

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION: La Casa Del Zorro Resort Hotel  
3845 Yaqui Pass  
Borrego Springs, CA 92004

DATE AND TIME: Saturday, January 28, 2006  
8 a.m. to 2:26 p.m.

REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR  
CSR NO. 3710

JOB NO.: 64922JG

## APPEARANCES

## MEMBERS PRESENT:

RON KEMPER (CHAIRPERSON)  
 CAROLE ANNE WILEY  
 JON McQUISTON  
 DR. WILLIAM (BILL) PRESCH  
 ROY DENNER  
 RON SCHILLER  
 PAUL SMITH  
 WILLIAM A. BETTERLEY  
 DAVID CHARLTON  
 HOWARD J. BROWN  
 DR. TOM SCOTT  
 SHERI DAVIS  
 THOMAS DAVIS (NEW MEMBER)  
 TOM ACUNA (NEW MEMBER, GUEST)

## STAFF PRESENT:

STEVE BORCHARD, Desert District Manager  
 JENNIFER WOHLGEMUTH (District Office)  
 JOHN DALTON (District Office)  
 ALAN STEIN (District Office)  
 DORAN SANCHEZ (District Office)  
 ROXIE TROST (Barstow)  
 GAIL ACHESON (Palm Springs-South Coast)  
 LARRY MORGAN (Needles)  
 VICKI WOOD (El Centro)  
 HECTOR VILLALOBOS (Ridgecrest)

Borrego Springs, CA Saturday, January 28, 2005

## PROCEEDINGS

CHAIRMAN KEMPER: We will begin the Desert Advisory Council Meeting of January 28, 2006. Bill Betterley, will you lead us in the pledge of allegiance.

MEMBER BETTERLEY: Please stand.  
 (Pledge of Allegiance.)

CHAIRMAN KEMPER: I would like to welcome all the BLM staff, all the DAC members, new members, the director, and the public at large. Doran, would you like to do the introductions, please.

MR. SANCHEZ: We are very pleased to announce Thomas Davis as the new public-at-large member representing Native American interests, the Aqua-Caliente Band of Cahuilla Indians from Palm Springs.

We were notified last Friday that an election had been made for our transportation member, Mr. Tom Acuna. We were told his official letter of appointment we were to have shortly. We did not

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receive that. But we felt it would be extremely important that Tom be here, so we invited him as a guest and are just awaiting his letter to officially become a recognized member of the council. But most of you have had the opportunity to meet him. But again, we welcome Tom Acuna. And of course our new district manager, Steve Borchard.

Also, this room has no microphones and muffled acoustics, so speak loudly so our court reporter can hear you. Our court reporter basically controls our meeting. If she has to stop us to get -- clarify a statement, she does have that authority, just so we can have an accurate recording of the minutes.

CHAIRMAN KEMPER: What are the possibilities of maybe getting a workstation out here in the middle, because I know that I'm probably about in the middle range of speaking; some are quieter than I am. I think that's going to be very difficult.

The next item of business is the election of officers for the DAC, so I will open it up for nominations.

MEMBER SMITH: I nominate Ron Kemper to continue on as our fine chair.

MEMBER DENNER: I will second that.

CHAIRMAN KEMPER: Any other nominations?

I will then call for a vote. All in favor signify by saying aye. Any opposed? Any abstentions? Motion carries unanimously.

I can make a nomination. Paul has been the vice chair for several years. He has done a wonderful job. He has chaired for me on a couple occasions, and I would like to nominate Paul to be the vice chair.

MEMBER SHERI DAVIS: I will second it.

MEMBER SMITH: I will accept.

CHAIRMAN KEMPER: All in favor signify by saying aye. Any opposed? Motion carries unanimously.

And I think the only thing else we have to elect is a parliamentarian, or should I appoint it? You are that, Jon, since Wally isn't here. We just appointed the parliamentarian and in this case, it will be you.

MEMBER McQUISTON: Okay.

CHAIRMAN KEMPER: That does it for the officers.

Can I have a motion to approve the September 24th minutes at Baker?

MEMBER PRESCH: So moved.

MEMBER BETTERLEY: Second.

CHAIRMAN KEMPER: I have a motion and second. Any discussion? All in favor, signify by saying aye. Any opposed? Any abstentions? Motion carries unanimously.

At this time we will take public comment on items not on the agenda. I don't have any speaker cards, so if anybody would like to speak. Mr. Hillier.

MR. HILLIER: Yes, I didn't -- I apologize. I didn't know what the agenda was going to be. I notice specifically, at least, as a specific item -- and I'm Jerry Hillier. Do you need my name?

I notice specifically -- I guess I had hoped that since the Bureau was scheduled for West Mojave for making a Record of Decision in getting that moved forward, that the Biological Opinion was going to be on the agenda, at least to touch on that. And are you going to do that?

MANAGER BORCHARD: Yes, I am.

MR. HILLIER: There is one specific concern that I have relative to the Biological Opinion, and it wasn't really fully clear.

During the planning process, a number of adjustments were made -- and they weren't very large, but they were adjustments in critical habitat -- were

proposed as part of the planning efforts because when the service originally designated critical habitat, they generally threw them down. The specific one I am concerned about is 247, south of Barstow between Barstow and Lucerne Valley. And I think everybody recognized that there was -- they followed some geographic lines, but they didn't take care of some individual situations.

During the comment period -- and there is extensive written record, as well as verbal input on it, BLM had agreed that they would notch the DWMA boundary for the Ord Mountains so as to exclude about a section of ground that includes the Barstow landfill and the expansion for the Barstow landfill.

The Biological Opinion -- and the final plan that came out that could be protested included recognition of that point. But the Biological Opinion in the text of it that I went through addressed some of those changes, but stopped short of saying as the Service, we agree with these and are going to make the changes in designation. That specific change to exclude the Barstow landfill was not included specifically.

I don't know whether it was overlooked. I'm not sure what happened. But since the Biological

Opinion isn't a decision document, there is no way that the County can comment directly to the Service. And I don't know whether that can -- I don't even know whether it needs to be rectified other than simply to put it on the record here and remind the Bureau that there is that commitment and certainly that concern, because not only the existing landfill operations, but the longstanding dialogue that's been going on relative to the expansion to the south, which is covered under its own ACE, to make sure that's taken care of in the Bureau's Record of Decision. It's private land, not public land, but the boundary will be on the boundary between the public and private land. That's all I wanted to do is go on record.

CHAIRMAN KEMPER: Question to district manager and the staff: Would it be helpful when we get to our action items that if we actually would formally make a recommendation so it would be part of the record? When you went back and visited the DWMA plan, that you would address that?

MR. BORCHARD: Yes, I think it would be good to go ahead and record that as a formal request.

CHAIRMAN KEMPER: Any other public comment on items not on the agenda?

Council member reports. I will start on my

1 left with Paul Smith.

2 MEMBER SMITH: Good morning. My thank  
3 you to the El Centro office. It was a great tour  
4 yesterday and a very nice package of information. I  
5 don't know that we all need to repeat that, because it  
6 was a unanimous sense. So thank you very much for  
7 your skill and enthusiasm.

8 I don't have a lot to report other than in  
9 my part of the desert, in the Twenty-Nine Palms/  
10 Morongo Basin area, we are searching for ways to get  
11 National Scenic Highway or National Scenic Byway  
12 status applied to the road through Joshua Tree  
13 National Park, Amboy Road, Kelbaker and then the  
14 highway up on to Death Valley. To do that, we need  
15 the cooperation and support of a number of agencies.

16 This would be a major thing to do for  
17 tourism to the desert, which we think is good for the  
18 desert, not only because it helps people appreciate  
19 the desert, but all the agencies and particularly this  
20 one need to work on building their constituency of  
21 people who appreciate and respect the desert.

22 So I'm hopeful that maybe when we set some  
23 agendas, we can deal with the issue of National Scenic  
24 Byway status and see what other areas of the desert  
25 should be saying the same thing. Probably the key

1 criteria is that it be uncluttered, as natural as  
2 possible, beautiful landscape. That's the whole idea.  
3 So if it was going right through a cluttered city, for  
4 example, like Yucca Valley, that would not be  
5 eligible. But if it would be going through the roads  
6 I just described, those are open, beautiful, wonderful  
7 country.

8 It's a three-step process. As I understand  
9 it, you start first at the county level, and then you  
10 work at the state level. And then you apply for  
11 national recognition. This takes some time. And then  
12 when it does, you then are eligible for various  
13 different grants, interpretive money, that sort of  
14 thing. Plus you get some very positive, uplifting  
15 type of ongoing publicity for the desert.

16 It's our feeling in the tourism industry in  
17 the Southern Mojave Desert that the desert is very  
18 seldom given its proper treatment in State promotional  
19 activities. And a lot of people equate the California  
20 Desert with Palm Springs. So this is just kind of  
21 something I think that we ought to be considering and  
22 giving some thought to. We have not had a lot of  
23 success yet working with San Bernardino County, so we  
24 are now looking to expanding our way to work with the  
25 county by perhaps getting other bodies to help us

1 request the counties to do something in response to  
2 that.

3 That's my report. Thank you.

4 CHAIRMAN KEMPER: Paul, just one  
5 comment. And I think it would be a major hurdle.  
6 Some of the areas that you just discussed I believe  
7 are designated as routes for hazardous materials to be  
8 transported around major communities. And once you go  
9 to the scenic designated route, that may no longer be  
10 acceptable. I'm not saying that they don't deserve  
11 scenic characterization, but we certainly want to be  
12 able to transport those hazardous materials in some  
13 fashion. So it might be something you need to give  
14 some thought to.

15 MEMBER SMITH: My reading of the  
16 process -- and I'm no expert on it yet -- is that it's  
17 not an inconsistent use at all.

18 CHAIRMAN KEMPER: Oh, I thought it was.

19 MEMBER SMITH: But somebody somewhere  
20 may think that it is. As long as those hazardous  
21 waste trucks don't bump into my car, I'm happy.

22 CHAIRMAN KEMPER: Jon McQuiston.

23 MEMBER McQUISTON: Has San Bernardino  
24 County given any reason for their -- your statement of  
25 no real success?

1 MEMBER SMITH: No response. We have  
2 tried to reach a supervisor's office, and two of  
3 the --

4 MEMBER McQUISTON: Which one?

5 MEMBER SMITH: Postmus.

6 MEMBER McQUISTON: I hear he is running  
7 for a new job.

8 MEMBER SMITH: This is not meant to be a  
9 criticism of anybody. It's meant to say, first of  
10 all, this group which represents a broad swath of the  
11 desert should be looking at something like this  
12 anyway. And we need input from different parts. We  
13 need your input, like when you talk about the  
14 hazardous materials in the Yucca Mountain.

15 It deserves to be looked at. And I think  
16 if a number of interested bodies express that view at  
17 the county and state and federal level, then it will  
18 help. Like Schwarzenegger's aide is very interested  
19 in this. So we are just taking it one step at a time.

20 And there are so many problems that the  
21 county people deal with. That's why it's not intended  
22 to be a criticism. This is a long-term type of  
23 project. The Desert Managers' Group is backing it. I  
24 think it's been raised at a couple of meetings, and  
25 they have asked us how we are doing. And we said we

1 are going to be trying harder. And this is part of  
2 that effort.

3 CHAIRMAN KEMPER: Thank you, Paul.  
4 Sheri Davis.

5 MEMBER SHERI DAVIS: I would like to  
6 introduce a special guest of mine. I invited Ranger  
7 Fred G. from the Anza-Borrego State Park. Thank you,  
8 Fred, for coming.

9 The El Mirage, Friends of El Mirage have  
10 sent a set of their plans for the new Visitors'  
11 Center. And I want to thank the Barstow field office  
12 for all of their efforts and work on that. So I do  
13 have some layouts here for you to take a look at and  
14 see what they are getting ready to do.

15 The Friends of El Mirage have requested  
16 that no fees be implemented until the completion and  
17 opening of the El Mirage Visitors' Center. The  
18 completion date I think is anticipated for  
19 December 22nd, 2006. And the Friends have requested  
20 that their request for no fees become an agenda item  
21 for the DAC Board to consider and support.

22 We will be -- the Inland Empire Field  
23 Commission will be providing a constant loop of the  
24 history of filming on the Dry Lake as well as other  
25 informational pieces about using the public lands.

1 The center will also showcase a number of  
2 photos of plants and wildlife that also enjoy that  
3 part of the desert. And so we are going to be  
4 requesting for the center, photos from local and  
5 regional photographers.

6 And then Ed Waldheim from the California  
7 Trail Users Coalition has sent trail maps for you all  
8 to have a copy of. I believe some of you have them;  
9 some don't. You will see when you look at these that  
10 only Jawbone maps have the trails numbered and named  
11 in the limited use areas for the OHV community. They  
12 are convinced that the only way to implement the West  
13 Mojave Plan and to have it succeed is to have these  
14 trails numbered and the maps reflect this numbering  
15 system. CORVA believes that 90 percent of the OHV  
16 riders will use this system when deciding where to  
17 ride. So I have maps for everyone on the DAC board.

18 I also want to thank once again the Barstow  
19 Field Office for their Adopt-a-Tree Program. You can  
20 adopt a Joshua Tree at El Mirage Dry Lake. I have two  
21 of them. And they tell you how to take care of them  
22 and what plants you can plant around them. And I have  
23 decided I am picking jumping cholla, so that will keep  
24 everybody away from my Joshua tree. They will only go  
25 near my Joshua trees once.

1 And then I also brought for every field  
2 office the Guidelines for Safe Use of Animals in  
3 Filmed Media. They have done new guidelines, and I  
4 bought a copy for each of the field offices. So  
5 that's my report. Thank you.

6 CHAIRMAN KEMPER: Thank you, Sheri.  
7 Roy.

8 MEMBER DENNER: First let me say that  
9 these maps that Sheri has of the WEMO area that  
10 Waldheim put together, he is really proud of the fact  
11 that they are all in the same scale, so on one board  
12 you can put up all these maps and see how the trails  
13 interlink throughout the whole WEMO area.

14 Relative to use of public -- use of public  
15 lands in the State of California, I have a ton of  
16 issues I could be speaking to. But there are two that  
17 I think are extremely important that the Council and  
18 the BLM needs to know where we stand on.

19 One has to do with the Imperial Sand Dunes  
20 Recreation Area. As most of you know, I am the DAC  
21 representative on the TRT there. And the other has to  
22 do with what's happening with the State OHMVR Division  
23 and Commission. Some unbelievable things are taking  
24 place as we speak. There is a Commission meeting  
25 going on right now.

1 Starting with the ISDRA, there was a  
2 day-long TRT meeting this past Tuesday. Steve and  
3 Vicki were both there. And I have to say that the TRT  
4 and many members of the public who attend the TRT  
5 meetings out there, mostly members of the American  
6 Sand Association, work very hard to make that area a  
7 positive recreational experience that the new members  
8 may not know, but it's one of the most intensively  
9 used, highly visited OHV areas in the entire country,  
10 maybe in the universe. And as such, there is a heck  
11 of a lot of focus nationally on what happens at the  
12 Imperial Sand Dunes, also known as Glamis.

13 The TRT members and the public that were  
14 there on Tuesday were extremely disappointed. Many of  
15 them had been gearing up for this meeting to be held  
16 this month in El Centro with an update for DAC members  
17 on what is happening in the ISDRA. And a lot of  
18 things are happening there. I didn't learn until last  
19 week that the meeting was going to be here. I assure  
20 you if the meeting was in El Centro, all these seats  
21 would be full.

22 Many of the members of the American Sand  
23 Association had organized plans to take the DAC  
24 members on a tour of the sand dunes and sand railings  
25 so you could get out there and really see what is

1 going on. And they were very unhappy to learn that we  
2 did not, as I told them probably six or nine months  
3 ago when this Council voted that we indeed wanted to  
4 go there and get an update on what is going on at the  
5 ISDRA. I called Ron this past week and he hadn't even  
6 known about the change. And apparently the change was  
7 made without even consulting the chairman of the DAC,  
8 which I find very irregular, shall I say.

9 I think this body is appointed by a pretty  
10 high level of the BLM, and it seems like when we make  
11 a decision that we need to go to a particular area and  
12 need to be updated, it seems like there needs to be a  
13 really good reason to change that plan. Yesterday's  
14 tour was fantastic. I really enjoyed it. But it's  
15 urgent that the people on this Council understand the  
16 kinds of things that are happening at the Imperial  
17 Sand Dunes.

18 Let me talk about probably what is the  
19 worst situation we have out there. I'm going to give  
20 a little history for the benefit of the new members,  
21 if you'll bear with me. We have a new management plan  
22 for the Imperial Sand Dunes, which is part of the  
23 update of the old CDCA plan. And many people from  
24 various interest groups worked really hard on putting  
25 this management plan together.

1 The OHV community met several weekends --  
2 we donated several weekends to putting a comment  
3 booklet together that represented how we feel about  
4 the new management plan. The new plan does not give  
5 anybody everything they want, but we felt like it was  
6 reasonable and there are a lot of changes in there to  
7 improve environmental protection and there were also  
8 changes to the Imperial Sand Dunes to create more  
9 recreation opportunities.

10 So we said, well, we would like more  
11 recreation; some people would like more environmental  
12 protection, but we bought into the plan. Mike Pool  
13 issued a Record of Decision -- let me back up. First,  
14 we got a favorable Biological Opinion from Fish and  
15 Wildlife on that plan. The species of concern out  
16 there, the only listed species in the Imperial Sand  
17 Dunes is a plant called the Peirson's milkvetch plant.  
18 And the OHV community has paid a well-known biological  
19 firm to study that plant for the last five years.

20 The BLM itself has been studying fairly  
21 intensively for the last couple of years. In fact,  
22 this past year with all of the rainfall, they counted  
23 1.8 million healthy plants in the ISDRA. That does  
24 not suggest a population for a species that's about to  
25 go extinct.

1 As a result of all this, Fish and Wildlife  
2 gave a favorable opinion on the management plan. We  
3 call it a RAMP, Recreation Area Management Plan, and  
4 Mike Pool issued a Record of Decision to implement the  
5 plan. Immediately, as it's probably no surprise,  
6 several organizations sued the Fish and Wildlife to  
7 reverse that Biological Opinion. Center for  
8 Biological Diversity, the Sierra Club and PEER, Public  
9 Employees For Environmental Responsibility, filed a  
10 lawsuit to reverse the plan. This happened early last  
11 summer, I want to say. The suit was filed in San  
12 Francisco in the Ninth District and assigned to a  
13 federal court judge there by the name of Susan  
14 Illston.

15 Just a quick aside, I think one of the  
16 problems with our legal system is to be able to shop  
17 the venue where they want to file suit. The people in  
18 San Francisco don't know a damn thing about what's  
19 going on out in the Imperial Sand Dunes, and I think  
20 it probably should have been filed in San Diego. But  
21 we are not going to change that today, I don't think.

22 Several hearings were held by Judge  
23 Illston, and she demanded input from Fish and  
24 Wildlife, from the BLM, from the OHV community. And  
25 everybody provided her everything she needed, so that

1 early last summer, she agreed that she would analyze  
2 this information and make her decision by the end of  
3 September. She said she recognized that that was the  
4 beginning of the busy season in the Imperial Sand  
5 Dunes and how important it was to make the decision by  
6 the end of September.

7 The El Centro office, based on the idea  
8 that that decision quite likely would be favorable,  
9 the plan could be implemented, the El Centro office  
10 took a number of steps to accommodate the provisions  
11 of the plan. They focused on issues that if were not  
12 implemented, could lead to a violation of the BO. For  
13 example, over \$400,000 of fee money that people pay to  
14 recreate there right now has been spent -- has been  
15 committed to raven-proof dumpsters. The concept is by  
16 providing raven-proof dumpsters, we will be helping  
17 protect the desert tortoise.

18 I have a picture of the Caltrans rest stop  
19 right in between the Imperial Sand Dunes and their  
20 open dumpsters all over the place. All of the  
21 businesses out there have open dumpsters, but this was  
22 part of the requirement of the plan. One of the  
23 things we really didn't like, because our money is  
24 being spent for these dumpsters. We didn't feel it  
25 was necessary, but we said okay, we are going to get

1 some of the stuff we want. We are going to give on  
2 those kinds of things. So over \$400,000 is being  
3 spent on dumpsters.

4 Wildlife kiosks are being built. New maps  
5 have been prepared for the Imperial Sand Dunes  
6 recreation area showing the changes to closed areas,  
7 areas that have been closed as a result of previous  
8 lawsuits for years now. The BLM could not wait until  
9 the day of the decision to take these kinds of  
10 actions. They had to commit to these long-term costs  
11 ahead of time.

12 Well, we still do not have a decision from  
13 Judge Illston. And she -- the Department of Justice  
14 has inquired with her as to when we might expect it.  
15 Our attorneys have inquired. And she hasn't given any  
16 indication as to when she might make that decision.

17 The result is that user fee money is being  
18 used to implement all of the additional environmental  
19 protection provisions of this plan and not one penny  
20 is being spent to create a new camping pad, put  
21 another Port-a-Potty out there or anything like that.

22 So the judge, by dragging her feet like  
23 this, is giving the people who oppose recreation in  
24 Imperial Sand Dunes, giving them their cake and eating  
25 it, too, because all of the closures still remain in

1 place. Some of this stuff was supposed to be open to  
2 us. The sand dunes was going to become an Adaptive  
3 Management Area rather than an enclosed area. All of  
4 the environmental provisions of the plan are being  
5 implemented, and not a single penny is being spent to  
6 improve recreational facilities on the ground.

7 I thought it's important for the Council to  
8 understand what is going on out there. I can't  
9 imagine, whether you are strongly on the side of the  
10 environmentalists or whether you are a big-time  
11 recreation supporter, I can't imagine anybody who was  
12 fair-minded would feel it's appropriate. And the  
13 problem is, there is not a damn thing we can do about  
14 it. Federal judges are appointed for life. This  
15 federal judge was appointed by President Clinton, and  
16 she can do whatever the hell she pleases, and we are  
17 stuck with it.

18 That's what is going on with the ISDRA.  
19 Any questions?

20 CHAIRMAN KEMPER: I do have a question,  
21 and you may or may not be able to answer it.

22 When we deal with state courts and state  
23 judges, they are under a time deadline in which to  
24 deliver a decision. In this particular case, is there  
25 any time at all or can it drag? Can she simply not

1 make a decision for five years?

2 MEMBER BETTERLEY: It can go for years.

3 MR. HILLIER: It can go for years.

4 MEMBER DENNER: We will be taking action  
5 or promoting action in Congress -- see, this is a  
6 long-term kind of thing, but we will be looking for a  
7 lot of support -- to change the way -- to add a  
8 provision to the federal courts. The only people that  
9 can do it is through Congress, but add some kind of  
10 provision to make them adhere to their deadline. If  
11 we agreed to a deadline of September 30th and didn't  
12 perform, we would be held in contempt of court. And  
13 she has nobody to answer to.

14 MEMBER BETTERLEY: She has no time limit  
15 in which she has to make that decision.

16 MEMBER DENNER: No. The fact that she  
17 promised to do it by September 30th --

18 MEMBER BETTERLEY: Doesn't mean  
19 anything.

20 MEMBER DENNER: -- Doesn't hold water.

21 MEMBER BETTERLEY: It's the Ninth  
22 Circuit.

23 CHAIRMAN KEMPER: You brought this  
24 information to the DAC's attention. Are you asking  
25 the DAC to take an action on it?

1 MEMBER DENNER: Well, the action that  
2 the DAC might want to consider is how we feel about  
3 the fact that you folks didn't get out -- I think it  
4 would have been really valuable to be on-site and hear  
5 public testimony. There are a lot of people involved  
6 on the issues in the Imperial Sand Dunes. And I'm  
7 just talking about the most serious problem. But I  
8 think it would have been very educational for  
9 everybody to hear from OHV leaders and  
10 environmentalists that have concerns about what is  
11 going on in the Imperial Sand Dunes, and had we held  
12 this meeting in El Centro, I assure you, you would  
13 have had a lot of public input. Now, do we want to do  
14 anything about that? I mean, I don't know when our  
15 next meeting is scheduled, but if it's in the  
16 summertime, you don't want to go there in June or  
17 July.

18 CHAIRMAN KEMPER: That's why it was  
19 decided to go this winter. It was timing. And it's  
20 unfortunate that what has happened has happened. I  
21 think there were a number of the DAC members and  
22 members of the staff believed something else. And it  
23 may have simply been a communication problem. And I  
24 think Steve has already done a little bit of research  
25 into that and assures me it won't happen again. So

1 part of our job is to make sure that our direction is  
2 absolutely clear.

3 MR. BORCHARD: I have talked about this  
4 with both staff and with members that were here on  
5 Thursday. And I think we have a proposal for a change  
6 in process selecting agenda items and cementing  
7 agendas that will improve our communication and make  
8 sure that it's not just only the district manager  
9 that's selecting what the final agenda item is.

10 I made a pledge on Thursday that I would  
11 work with the Chair in developing a final agenda and  
12 it would not be a unilateral decision in the future.  
13 I guess there is a way of addressing the desire of the  
14 DAC to maybe hear from more people on ISDRA issues.

15 I guess I would lay out right now, do we  
16 want to consider scheduling another DAC meeting I  
17 guess in the short-term future before it gets too hot  
18 and maybe right at the end of the season with the  
19 dunes recreation to focus on that issue? Is that  
20 something that the DAC wants to consider doing? I  
21 don't know what time that would be, but that would be  
22 before Easter. Easter is the last weekend?

23 MEMBER DENNER: Yeah, preferably before  
24 Easter. The tour of the dunes would be a lot more  
25 enjoyable. We could do it in July.

1 CHAIRMAN KEMPER: Not all of us on the  
2 DAC have been on a tour of the dunes, but most of us  
3 have. I don't know -- riding in those buggies is  
4 certainly a lot of fun. I think more importantly is  
5 that that constituency have an opportunity to stand  
6 before us and talk. So -- and I think we sometimes  
7 spend a lot of time on tours and very little bit of  
8 time on business, though the tours certainly give us  
9 some good background. But I wouldn't be opposed to  
10 having a meeting in El Centro either this spring or  
11 late fall, whatever was the Council's pleasure.

12 MEMBER DENNER: I can respond to that by  
13 saying that many of the OHV leaders who frequently go  
14 to the dunes feel that an on-the-ground experience is  
15 super important.

16 We had Kathleen Clark out there for a ride  
17 and Mike Pool. And Kathleen, when it was all over,  
18 she said that she would not have had nearly the feel  
19 for what our issues are and how important what we do  
20 out there is if she hadn't gotten out on the ground.  
21 I don't think it's a deal breaker. I would rather see  
22 a meeting taking input from the constituents out there  
23 than none at all, but if we could arrange it to do a  
24 tour, I think it's valuable, Ron.

25 CHAIRMAN KEMPER: Okay. This is

1 probably something to be an action item a little later  
2 in the meeting. But everybody give a little bit of  
3 thought and see if they would like to visit the dunes  
4 in the spring or the fall. And do you have a sense of  
5 when you think would be better timingwise for the  
6 recreational community, whether spring or fall?

7 MEMBER DENNER: I would say the sooner  
8 the better and as far -- closer from summer as  
9 possible.

10 CHAIRMAN KEMPER: Doran, you had  
11 something you want to state.

12 MR. SANCHEZ: I was going to make a  
13 recommendation that late fall. And perhaps we will  
14 get a ruling. If we have a ruling, we will definitely  
15 have something to really talk about, and perhaps  
16 sooner than later. But if we schedule it at the early  
17 fall, temperatures will be cooling down, and perhaps  
18 we will have some more direction from the Court on  
19 what we may be looking at. I would just propose that.

20 CHAIRMAN KEMPER: Tom?

21 MEMBER SCOTT: I want to revisit this  
22 question about where we went to. We actually talked  
23 at our board meeting about the fact that this area in  
24 the western part of the desert in San Diego County  
25 hadn't been visited for a long time. And it had been

1 left out. And I was one of the people who championed  
2 that idea, but not to ignore the issues of the desert  
3 dunes. So before any kind of criticism really comes  
4 up of El Centro office, I think we have to step back  
5 and say we were the ones that all kind of agreed  
6 that's where the meeting was going to go. And I was  
7 one of the people that pushed for it, because it's  
8 been forgotten and hasn't been addressed for some  
9 time. And I know that OHV issues are always on the  
10 surface and very important to people. But I don't  
11 think it's bad to have one field trip where we visit a  
12 place where there are some other issues. That's not  
13 to deny what you said. But just to understand we did  
14 make that decision, and it wasn't El Centro's choice  
15 to ignore it.

16 CHAIRMAN KEMPER: Steve.

17 MR. BORCHARD: Jumping in here. Sorry.  
18 There is a couple of things pending out there that I  
19 learned about on the TRT meeting on Tuesday that  
20 possibly might evolve between, say, a meeting later  
21 this spring and the beginning of the season. And one  
22 of those is the technology and system that the  
23 Imperial County Sheriff's Office would be using next  
24 year to offer permits. And if we were to go in the  
25 early fall at the beginning of the season, that would



1 be a kind of question mark that's open right now as to  
2 how we are going to do a good job of selling permits  
3 out there next season. We might be able to put on a  
4 much better presentation and have a much better  
5 understanding of how that system is going to work in  
6 the early fall than we would, say, a month and a half  
7 from now.

8 MEMBER DENNER: Steve, if I might  
9 respond to that. There are always issues pending out  
10 there. I mean, not only the fee collection. We have  
11 a petition to delist the milkvetch plant. The Fish  
12 and Wildlife has said we have given them enough  
13 scientific data to take a look. There will also be  
14 issues later.

15 One of my jobs on the TRT is to be a  
16 champion for the BLM out there. And everybody there  
17 was excited with the idea that we were going to have  
18 this -- they considered the DAC Council to be the top  
19 level that they can appeal to. That's the way the  
20 people think about the DAC, not that it always happens  
21 that way.

22 But what has been damaged here is my  
23 ability to convince the constituents out there, the  
24 users and the people on the TRT, that, yes, the BLM is  
25 really working with us. They really do care about

1 those issues out there. When I go back to them and  
2 say, okay, I guess the DAC might have a meeting out  
3 here sometime later next fall, they are going to say,  
4 "Oh, hell, there is going to be so much that goes down  
5 between now and next fall." They need to know about  
6 what is going on right now.

7 Next fall I guarantee we can sit here and  
8 say, there are major things decided in the spring  
9 about the ISDRA. Maybe we should wait until then to  
10 have a meeting. It's a matter of my ability to sell  
11 the BLM and the DAC to the people that are leaders out  
12 there in the Imperial Sand Dunes.

13 CHAIRMAN KEMPER: Tom McQuiston.

14 MEMBER McQUISTON: A couple of thoughts.  
15 One, I would like to go to the Dunes. I haven't been  
16 there, whether it's this spring or next fall. And I  
17 don't have any specific recommendations other than to  
18 just suggest that at some point in time, we are going  
19 to have a convergence of a lot of issues. And I think  
20 we need to be flexible or at least attentive to maybe  
21 we may have to have some meetings more frequently than  
22 once every quarter.

23 For example, if we say we are going to have  
24 a fall meeting to go down to the sand dunes, which I  
25 know we have events coming up: The West Mojave Plan;

1 the Biological Opinion is out now; the Record of  
2 Decision is pending; I'm not sure when Surprise Canyon  
3 is going to come to a head.

4 And so I think I would just like to plant  
5 the seed that sometime next fall, we might need to  
6 have meetings more frequently than once a quarter on  
7 an issue-driven basis because we have some fairly  
8 significant planning issues that have been ongoing for  
9 years and all may be converging. And I think our  
10 agenda should not be time-driven, but our meeting time  
11 should be issue-driven. And we may have to have more  
12 frequent meetings as some of these more important  
13 issues come up. But with respect to the Sand Dunes, I  
14 would like to go there whether it's this spring or  
15 early fall.

16 CHAIRMAN KEMPER: Mr. Davis.

17 MEMBER TOM DAVIS: Thank you.

18 MEMBER DENNER: Are you moving on?

19 MEMBER TOM DAVIS: Yes.

20 CHAIRMAN KEMPER: Yes.

21 MEMBER DENNER: I said I have two  
22 issues.

23 MEMBER TOM DAVIS: You can have my time.

24 MEMBER DENNER: It has to do with what  
25 is happening with the OHMVR Commission and Division.

1 All the people should be interested in what is going  
2 on up there because a lot of grant money comes from  
3 our Green Sticker program.

4 A little bit of history again. Something  
5 over a year ago, several OHV organizations wrote a  
6 letter to State Senator Bill Morrow, asking for him to  
7 push an audit of the OHMVR Division/Commission. Many  
8 of us believe that the money being allocated -- there  
9 is a huge trust fund involved with OHV recreation.  
10 Some \$52 million a year are taken in through this gas  
11 tax and Green Sticker fees that is allocated, first to  
12 state parks, and then secondly, to agencies, federal  
13 agencies that support OHV recreation. And it has  
14 worked very well for a long time.

15 The current structure -- the past few  
16 years, the structure of the Commission is such that  
17 almost all of our funds go to non-OHV improvements,  
18 conservation, law enforcement, things like that. And  
19 frankly, many of the OHV leaders have become fed up  
20 with the whole program.

21 So we asked Senator Morrow to ask the JLAC,  
22 the Joint Legislative Audit Committee in the State of  
23 California to do an audit of the Division and the  
24 Commission. That was roughly a year and a quarter  
25 ago. It took a year to do the audit. The audit

1 committee came out with 154-page document that  
2 absolutely blasts the way OHV trust funds are applied  
3 and used in Sacramento. It also blasts the  
4 relationship between the Division and the Commission.  
5 They don't work together. There is a total separation  
6 of thinking there. And those people are always in  
7 conflict, and that just results in damage to the  
8 program.

9 After the audit came out, a document was  
10 generated that was signed onto by 15 major OHV  
11 organizations in California, pointing out some 13  
12 major concerns that were exposed in that audit. And  
13 that letter asked for hearings at the state level on  
14 the actions of the Commission and the Division.  
15 Senator Morrow went to JLAC and asked them to do these  
16 hearings. As we speak, hearings have been started on  
17 the operation of the OHMVR Division and the  
18 Commission.

19 While all this was going on, the OHV  
20 community has formed an organization. And I'm sure  
21 you will hear more of it. It's called Ecologic. It's  
22 the legal arm for the OHV community. Five major  
23 California OHV organizations contribute to the running  
24 of this new nonprofit organization. The executive  
25 director is Attorney David Hubbard. As of yesterday,

1 that organization has filed a lawsuit against the  
2 Commission for misuse, misappropriation of our funds,  
3 acting illegally relative to the operation of the  
4 Commission and its charter. And just last night, I  
5 received some documents. I assume the BLM knows about  
6 this.

7 But the Deputy Director of the OHMVR  
8 Division, Daphne Greene, has issued a document, a  
9 memorandum to Paul Spitler, the chairman of the  
10 Commission, saying that the funding of many of the  
11 grants that have been -- that the Commission  
12 recommended is being pulled. There are many areas  
13 within the BLM, many funding recommendations that a  
14 lot of people think have been approved that will not  
15 be funded this year.

16 The Commission funds some -- I think it's  
17 around \$18 million a year of trust fund money to  
18 outside agencies, mostly the BLM, frankly. And she  
19 has pulled many of those funding grants. So now there  
20 is 11,770 being funded. I have here her letter to  
21 Paul Spitler saying that because the Commission did  
22 not fund those grants in an appropriate manner,  
23 because they tampered with the rating system that the  
24 Division had developed, that the Division will not be  
25 funding many of the grants that people think they are

1 going to get.

2 I have a list here. All I see is BLM --  
3 BLM, Bakersfield, Needles, Palm Springs, El Centro, El  
4 Centro, California Desert District, Ridgecrest,  
5 Ridgecrest, Barstow. These are all grants that will  
6 not be funded this year.

7 Steve, I presume you know about this.

8 MR. BORCHARD: No, I don't know about  
9 it.

10 MEMBER DENNER: You don't know about it?  
11 It just happened apparently yesterday. And it will  
12 be -- the public will learn about it at the Commission  
13 meeting today. But there are millions of dollars  
14 worth of grant money that you guys, I suspect, are  
15 counting on receiving for operation this year that you  
16 are not going to be getting.

17 MEMBER SMITH: Does that apply to grants  
18 that are being made to sheriff's departments?

19 MEMBER DENNER: Yes. Some have been  
20 funded, some have not for the sheriff's department. I  
21 have a list of which ones are funded. But there are  
22 seven pages of grants that are not funded. BLM El  
23 Centro field office for law enforcement. That's not  
24 sheriff.

25 CHAIRMAN KEMPER: For which office?

1 MEMBER DENNER: El Centro. BLM Barstow,  
2 law enforcement not funded. BLM Ukiah law enforcement  
3 not funded. I don't see sheriff. El Dorado  
4 National -- that's not BLM. Anyhow, it's all here if  
5 anybody wants to look it.

6 CHAIRMAN KEMPER: Is it possible to make  
7 copies. I'm sure BLM staff would like to have a copy  
8 of it.

9 MEMBER SMITH: Is a letter there with  
10 it?

11 MEMBER DENNER: Yes.

12 MEMBER SMITH: I'd love a copy of that.  
13 There are a lot of people up in San Bernardino County  
14 who were relying on these grants to dampen some of the  
15 problems, so this is a pretty serious issues.

16 MEMBER DENNER: She has dropped a bomb.

17 MEMBER BETTERLEY: This has been brewing  
18 now for about a year.

19 MEMBER DENNER: More than a year. A  
20 long time. Yes.

21 MEMBER BETTERLEY: As far as the  
22 Commission and the people that are actually voting to  
23 where the grants go, it has not materialized the way  
24 it was supposed to be. So we knew this thing was  
25 coming down the line one of these days.

1 MEMBER DENNER: The chairman of the  
2 Commission has been doing some things that are pretty  
3 radical. For example, there was a Commission meeting  
4 scheduled, I want to say two months ago, where people  
5 came from all over. We sent people to the Commission  
6 meeting. And first thing he did at the Commission  
7 meeting was announce that the public notice, which is  
8 supposed to be given 10 days prior to the meeting,  
9 hadn't gone out properly. It had gone out. But not  
10 in his mind in the proper manner. So with everybody  
11 there at the Commission meeting, he canceled the  
12 meeting and everybody went home.

13 So the chair of the Commission and the  
14 deputy director of the Division are at loggerheads.  
15 And it's going to be interesting to see who wins the  
16 battle. We are supporting the Division's position  
17 that the Commission is acting totally out of line.  
18 That's why we have the lawsuit for Ecologic. Any  
19 questions about that?

20 MEMBER SHERI DAVIS: No.

21 CHAIRMAN KEMPER: What exactly is the  
22 core argument? That the off-road community is saying  
23 that the Green Sticker money is not being spent where  
24 the Green Sticker money is supposed to be spent?

25 MEMBER DENNER: Exactly. We see very,

1 very, little -- almost miniscule amounts of our trust  
2 fund money goes to improving opportunities on the  
3 ground. Most of it goes for restoration, which means  
4 closing trails, conservation projects and law  
5 enforcement. And we are not saying that none of it  
6 should go there. We are saying it's totally out of  
7 balance. The --

8 CHAIRMAN KEMPER: Any other questions?

9 MEMBER SMITH: Yeah. Is any of this  
10 information available on the Web, like the audit  
11 report?

12 MEMBER DENNER: Yes. I think the Web  
13 site is jlac.gov, or .state.gov. If you go to the  
14 OHMVR Commission Web site, if you just go to State  
15 Parks and Recreation and follow the trail to the OHMVR  
16 Division, they will tell you where you can download  
17 this report.

18 MEMBER SMITH: Okay.

19 CHAIRMAN KEMPER: Mr. Davis.

20 MEMBER TOM DAVIS: Thank you.

21 MEMBER DENNER: Sorry, Tom.

22 MEMBER TOM DAVIS: That was very  
23 educational. And by way of education, I'm very  
24 pleased and honored to be a member of the DAC. And I  
25 was very fortunate to have my calendar work out so

1 that at the last minute I could attend this meeting  
2 and yesterday's excellent tour.

3 I should probably tell everybody a little  
4 bit more about myself because of the brief  
5 introductions we have had. And some of you haven't  
6 even gotten to know who I am.

7 I am I guess a public-at-large appointee  
8 (Native American interest). I do work for the  
9 Agua-Caliente Indians. I'm not a Native-American  
10 myself, but I worked for the tribe for close to 14  
11 years. And I am involved mostly in -- my background  
12 is land use planning. I'm an urban planner by  
13 background and a landscape architect by education.

14 And prior to working with the tribe, I have  
15 owned my own consulting firm for 12 years. Went to  
16 work for the tribe in '95. And well, I went to work  
17 full time for the tribe. I was a consultant prior to  
18 that. It was 1992, I actually went to work with them.

19 Our interests are as local government as  
20 well as an Indian tribe. And if I can manage to  
21 represent Native-American interests in any fair way,  
22 it would be from my expertise, first of all. And  
23 second of all, I hope to engage the other tribes in  
24 the district area of what their concerns are.

25 But we are a principal player in the Santa

1 Rosa-San Jacinto National Monument. We were named in  
2 the legislation as a cooperating agency and worked  
3 very closely with the BLM office in Palm Springs on  
4 that particular issue. Half the reservation is within  
5 the Monument Boundary. We act as a local government.  
6 We are more of an urban reservation. As you probably  
7 know, Palm Springs area. And I also on behalf of the  
8 tribe, I also sit on the Coachella Valley Association  
9 of Governments' Technical Advisory Committee. We also  
10 are a board member of the Building Industry  
11 Association. And also, I'm an alternate with the  
12 Native-American Advisory Committee for Caltrans.

13 So we have a variety of different  
14 interests, both as a local government and as an Indian  
15 tribe. And our interests certainly go to a couple  
16 areas that all federal agencies lack in, and that is  
17 good government-to-government relationships with  
18 tribes. Good and thorough cultural resource  
19 protection programs.

20 And I think I join probably everybody up  
21 here in that there is generally and obviously a lack  
22 of funding and accountability in federal government  
23 with regards to basically, for lack of a better term,  
24 unfunded mandates and the lack of ability to get  
25 things done, the lack of proper resources to protect

1 or preserve or enhance the services of the federal  
2 government on the community. So I look forward to  
3 working with you and learning quite a bit about what  
4 you are doing and how I can help.

5 CHAIRMAN KEMPER: Thank you, sir.  
6 Dr. Scott.

7 MEMBER SCOTT: I will try to make this  
8 quick. This is a little bit of a synthesis of things  
9 we talked about on Thursday.

10 If you look at single-family detached  
11 housing as an industry, it's worth about \$30 billion  
12 in California. That whole question of how we develop  
13 our urban areas has now come out to the desert. And I  
14 think when you go to Palm Springs, which I assume is  
15 our next meeting, I think we should take a look at the  
16 interaction between BLM and all the people who are  
17 trying to figure out some way to deal with this  
18 question of sprawl.

19 And the Coachella Valley Association of  
20 Governments has forwarded a Multispecies Habitat  
21 Conservation Plan. And I think it would be worthwhile  
22 for us to take a look at the relationship between BLM  
23 and this plan. The same thing happened in the Western  
24 Mojave Plan. But with your discussions of what  
25 happens to land, how is the BLM a partner in this, I

1 think it's something that we should definitely pursue  
2 at the next meeting.

3 CHAIRMAN KEMPER: Thank you. Supervisor  
4 McQuiston.

5 MEMBER McQUISTON: Thank you. Just a  
6 few things going up in the northeast corner of Kern  
7 County. I mentioned about the West Mojave Plan, the  
8 Biological Opinion being associated with the West  
9 Mojave Plan. The Biological Opinion is now out, and  
10 I'm not sure when the Record of Decision will be  
11 forthcoming. Maybe Hector can look into his crystal  
12 ball somewhere down the line and Steve and give us  
13 some insight on that.

14 But going back to my comment earlier. For  
15 all the reasons Roy noted about holding these meetings  
16 where there is a lot of interest and a lot of public  
17 involvement, that was my underlying rationale because  
18 as the Surprise Canyon, West Mojave and others go  
19 forward, we need to go where the public interest is so  
20 that the public will have an opportunity to  
21 participate in that without having to drive unduly  
22 long distances.

23 I may have mentioned at the last meeting --  
24 if not, I want to remention it -- to say thank you to  
25 the DAC. We got a letter of support about a year ago

1 for local government to become formal members of the  
2 Desert Managers Group. That has now occurred. We are  
3 now participants. And I just want to thank you on  
4 that.

5 In terms of the future, in I would say  
6 primarily our region of the California Desert  
7 Conservation Area, as I think probably everybody in  
8 this room is aware, a petition was filed through the  
9 US Fish and Wildlife Service to list the Mojave ground  
10 squirrel under the Endangered Species Act. I think  
11 the Service has one year from the time of the petition  
12 for a decision to be made. And all of that is to say  
13 that sometime by the end of next year, that report or  
14 that information should be coming public.

15 And it may be appropriate at some point in  
16 time for this group to perhaps have a TRT to look at  
17 that and maybe from the DAC, to make some  
18 recommendations to the BLM with respect to whether or  
19 not -- at least our position on that listing. And  
20 that's no crystal ball other than it falls within our  
21 area. It would be a fairly significant issue. And we  
22 may want to learn more about it. We may or may not  
23 want to have discussions on it or make  
24 recommendations, but it's coming.

25 I will tell you that regarding at least

1 Kern County, it was -- recently the Base Realignment  
2 and Closure Commission, it was a several-year effort  
3 to look at the future of military installations  
4 throughout the United States. Edwards Air Force Base  
5 and China Lake, where I live, both will continue to  
6 exist. And China Lake will grow by a fairly large  
7 number, anywhere from 400, maybe up to 2,000 military,  
8 scientists, and engineering types of jobs.

9 So we have begun a couple of efforts to  
10 look at that. Growth is going to occur. And how are  
11 we going to manage it? And Kern County is very  
12 supportive of the military mission. And we kind of  
13 look at BRAC in the business model of keep the  
14 businesses you have, rule No. 1. So the BRAC effort  
15 was to preserving those military missions.

16 And then rule No. 2 in kind of the economic  
17 development model is try to create a climate where it  
18 can continue to prosper. So what we are looking at  
19 now in light of that rule is we are going to grow. We  
20 want to grow. But we want to grow in a consistent  
21 manner that does not inadvertently encroach out the  
22 military mission that exists there.

23 And we are working with the City. We are  
24 working very closely with BLM on this issue, because  
25 so much of the land surrounding the Indian Wells

1 Valley is federal land. And so we are going to be  
2 doing a specific plan for the Indian Wells Valley.  
3 And we want to look at two things: The growth that's  
4 going to come that we are managing, and it will happen  
5 in a manner that's consistent with the sustainability  
6 of the military mission. And No. 2, we would like for  
7 that plan also to dovetail in and be complimentary to  
8 the Resource Management Plan of the Agency because  
9 there is so much federal lands around there.

10 So we will be looking at really a  
11 partnership effort between the base, the BLM, the City  
12 and County in a fairly large area of how are we going  
13 to accommodate this growth such that the mission is  
14 sustainable and also the federal lands are tremendous  
15 resources for the public. We are looking that as  
16 growth occurs, how can we have trail plans for either  
17 off-highway vehicles or equestrian or hiking to link  
18 where people live to where they want to recreate.

19 So it's going to be a two- or three-year  
20 effort. And at some point in time in that two or  
21 three years, this Committee will be up there and we'll  
22 probably put on the agenda kind of an overview of what  
23 we are doing and how we are getting there.

24 I think that's pretty much my comments.

25 CHAIRMAN KEMPER: Thank you, Supervisor

1 McQuiston.

2 Dr. William Presch.

3 MEMBER PRESCH: Two quick notes on  
4 related topics.

5 The first one is the Baker DAC meeting. We  
6 got a nice tour of Dumont Dunes. And at that time I  
7 mentioned a little bit about the Fringe-toed Lizard  
8 work that BLM was interested in doing and had  
9 contacted me. I just wanted to inform the Council  
10 that in fact I am now under contract with BLM, such as  
11 it is. We are beginning our Fringe-toed Lizard work.

12 Associated with that, at the Riverside  
13 meeting we set up a Dumont Dunes TRT. And I was  
14 somehow put in charge or at least the point person for  
15 the Council. I wanted to bring you up to date on  
16 that.

17 We had our first meeting in October at the  
18 Barstow meeting. We had a number of -- well, I was  
19 the Council member and Roxie and her staff. And then  
20 a number of interested parties who were knowledgeable  
21 of the meeting came. And Roxie and her staff provided  
22 us with information and how to organize the TRT,  
23 because this TRT is related to the Recreational  
24 Recovery Fees/Bill/Act or whatever that Congress came  
25 out with. And so there are some pretty specific

1 guidelines on how we have to set up the TRT and so  
2 forth. So we drafted an announcement and a call for  
3 participation. And that was sent out, e-mailed out,  
4 put out to some of the OHV vehicle, Sand Association,  
5 the Dumont Dunes folks.

6 There was a target date for submission,  
7 answers to some questions and so forth. And you have  
8 before you the results of the recommended selection  
9 for the Dumont Dunes Technical Review Team as of  
10 January 6th. And we felt it was important to bring  
11 this before the Council since it will be the Council  
12 Dumont Dunes TRT. And these are the individuals that  
13 have applied and were selected during the application  
14 program that formed the TRT.

15 Do you have anything, Roxie, that you would  
16 like to add to that?

17 MS. TROST: I think you handled it very  
18 well. I think you are the only one that has that  
19 list. If you would like me to take it out and hand it  
20 out, I could go make copies.

21 MEMBER PRESCH: I thought everybody had  
22 the list. I could read them off quickly. TRT,  
23 commercial filming area, Sheri Davis has agreed to  
24 serve. The OHMVR Commission, Ed Waldheim will serve.  
25 The Nevada OHV interest is Terry Allen. Terry is a

1 past police officer for LVNPD. He currently is our  
2 financial investment mortgage individual. He is a  
3 frequent user of Dumont Dunes, at least every other  
4 weekend, and I was fortunate enough to be at Dumont  
5 Dunes over Thanksgiving weekend. I guess I was  
6 fortunate, along with 30,000 other individuals. And  
7 Terry very nicely took me on a ride from his  
8 perspective of the Dunes in his sand rail. First time  
9 I got a ride in a sand rail, and it was a lot of fun,  
10 I have to admit. Kind of cool. He also took me  
11 around to show me the Fringe-toed Lizard habitat that  
12 I was interested in looking at, too, for the other  
13 work.

14 Kathleen Stocci. She is an attorney, civil  
15 law, including civil liability and employment law,  
16 professional malpractice, general liability. And she,  
17 too, is an OHV Dumont, Glamis, Stoddard Wells, Johnson  
18 Valley participant.

19 Another OHV representative, Jim Bramham,  
20 co-chairman of the OHMVR Commission, current member of  
21 the ASA, American Sand Association.

22 MEMBER DENNER: He is an ex-member of  
23 the Commission. He is not co-chair now.

24 MEMBER PRESCH: San Bernardino County,  
25 Jerry Hillier. I don't know if you have been

1 officially appointed yet but --

2 MR. HILLIER: It wasn't known to me that  
3 I had been nominated, but --

4 MEMBER PRESCH: Your name is here. And  
5 then other motorized recreation, Randy Banis, who is  
6 the editor of Death Valley.com. He is also a Native  
7 Plant Society member. And Friends of Dumont Dunes  
8 would be represented by John Dahlgeish. I guess maybe  
9 you know him too. And he is a member of several Sand  
10 OHV organizations including American Sand Association,  
11 Duners, and he will be representing them. And then  
12 myself as the appointed DAC member.

13 So those would be the individuals that we  
14 will have on the TRT. And my thoughts about what we  
15 are going to do is that when this is all in place, we  
16 will try to set up an introductory meeting. All of  
17 our meetings will be held in Barstow. They will be  
18 announced to the public, and everybody interested can  
19 attend. And I will also try to set up a field trip  
20 for the TRT to go to Dumont Dunes to actually see the  
21 facility and hopefully when it's in use so we can get  
22 a better understanding of how the Dunes are being used  
23 and interact with some of the users of that area so  
24 that we can get a clearer picture and clearer  
25 understanding and then lay out the groundwork for what

1 it is that we actually need to do under this  
2 Recreations Fee Bill.

3 MS. TROST: Roxie Trost. Field manager  
4 in Barstow.

5 At this time we are asking the Council to  
6 approve these recommendations. We had one person  
7 representing each of those categories that Dr. Presch  
8 listed except for the California OHV interest and one  
9 of the other categories. So we had to go through a  
10 selection process only for two categories. The others  
11 were either appointed or we had one person apply.

12 If you have any questions about that, I  
13 would be happy to answer our rationale for coming up  
14 with those selections or recommendations from you.

15 MEMBER BETTERLEY: Do you want an action  
16 item at this time for a motion or would you like to  
17 wait until the --

18 CHAIRMAN KEMPER: Actually, it would  
19 probably be most expedient to just go ahead and handle  
20 it right now. Do we have any questions of staff  
21 regarding who is on the selection process? From  
22 anybody?

23 MEMBER SCHILLER: I am just pointing out  
24 that I was appointed at the Ontario meeting to the  
25 that TRT by the DAC.

1 MEMBER McQUISTON: Mr. Chairman.

2 CHAIRMAN KEMPER: Mr. McQuiston.

3 MEMBER McQUISTON: Maybe some discussion  
4 of the process. At the meeting that the Chair and the  
5 Vice Chair couldn't attend, I got ropeyarded into  
6 chairing that meeting at Ontario. And at that meeting  
7 is when the Council took the position they wanted to  
8 establish a TRT for the Dumont Dunes. And after some  
9 feedback and so forth, it was said, "Well, the  
10 chairman can appoint whomever they choose."

11 So I took the liberty, Mr. Chairman, and  
12 did at that time -- that's essentially what we said at  
13 that meeting was if you came up to the microphone and  
14 you had wanted to be a stakeholder into this, we named  
15 several. Jerry, that's how your name got on there. I  
16 went "So be it." And I also appointed at that time  
17 Ron Schiller.

18 I understand subsequent to that, there was  
19 some further discussion and some technical issues that  
20 came up where that process had to be modified a little  
21 bit, and I'm assuming led to the recommendations,  
22 Bill, that you came out with. But for whatever it's  
23 worth, I would still like to see Ron Schiller on that  
24 group if that meets with the approval of the DAC.

25 CHAIRMAN KEMPER: I have a question, and

1 I didn't go through the names quickly. How many DAC  
2 members do we have on the TRT?

3 MEMBER PRESCH: There would be three,  
4 Sheri, myself, and Ron.

5 CHAIRMAN KEMPER: Okay. I think that  
6 works well.

7 MEMBER CHARLTON: Because I live close  
8 by, I had volunteered at that meeting also to be on  
9 the TRT because it's close by, and I at least can show  
10 up for all the meetings.

11 MEMBER PRESCH: Okay.

12 CHAIRMAN KEMPER: So you are asking to  
13 be added?

14 MEMBER CHARLTON: Yes, despite the fact  
15 that there are no botanical issues there.

16 CHAIRMAN KEMPER: There are no botanical  
17 issues there? How did that happen?

18 MEMBER PRESCH: There are no plants.

19 MR. HILLIER: Just for the record there,  
20 and I do remember the exchange, Jon, and I'm not sure  
21 whether I took it seriously or not, but --

22 MEMBER McQUISTON: I did.

23 MR. HILLIER: Just for the record there,  
24 I certainly agree to do that and I would be happy to  
25 serve. Just so the record is complete.

MEMBER McQUISTON: Second.

MEMBER DENNER: Mr. Chairman, do we have to be concerned about the Brown Act here, now that we have four?

MEMBER McQUISTON: No.

MEMBER DENNER: That's not a problem?

MEMBER McQUISTON: No.

CHAIRMAN KEMPER: Any more discussion?

MEMBER BETTERLEY: If there is no more discussion, I would make a motion of this DAC recommending the names that were mentioned by Bill Presch to that TRT.

CHAIRMAN KEMPER: And what about Mr. Schiller and Mr. Charlton?

MEMBER BETTERLEY: They were included in that list.

MEMBER McQUISTON: Second.

CHAIRMAN KEMPER: I have a motion and I have a second. Mr. McQuiston is a second. Any further discussion? Hearing none, I will call for the question. All in favor signify by saying aye. Any opposed? Any abstentions? Motion carries unanimously.

Ms. Wiley.

MEMBER WILEY: Carole Wiley. I

restoration. And it includes the Borax Mines in the West Mojave, cement, specialty minerals and Mojave Water. Fort Irwin also gave a presentation of their work on their base. And they are doing a lot of good things there with the plants and the restoration work. So that was a very interesting workshop. That's it.

CHAIRMAN KEMPER: Thank you very much. Mr. Charlton.

MEMBER CHARLTON: David Charlton. I represent renewable resources and am a botanical expert.

My expertise is mostly limited to the Mojave Desert, not the Colorado Desert. One of the things I did was look over the telephone listings of BLM employees in all the various departments in the state. And I noticed that they don't have too many botanists on staff. After listening to Mr. Denner, I would like to point out the importance of having botanists on the staff in the El Centro office because the problems with the Dunes is primarily botanically oriented. There are a lot of other sensitive plant species on the Dunes that aren't federally listed.

There are also a lot of insects that live only in dune systems, and that if you go down to the dunes, you will notice that the areas that are off

represent Environmental Protection on the DAC.

I must say I'm very disappointed to hear Mr. Denner's news of the pulling of OHV grants. I think everybody knows that the Desert District and the field offices depend on some of this money for operating OHV areas. And law enforcement and restoration are parts of OHV use. So it's kind of sad to hear that they will be losing some of that money. But hopefully, that will work out.

Howard Brown and myself both attended a Mojave Desert Revegetation Workshop recently that was put on by Victor Valley College. The new chair of what used to be the Ag Department -- I think now they call it Natural Resources Department -- Mr. Slade has put together a new direction for that department. And part of it is growing native plants and figuring out ways to restore mainly mining operations. So they did this workshop.

It involved -- well, he had a sustainability project is what he calls it. He is bringing in area mining interests, and they are working together on restoration plans for these mines. And it's working out pretty well. They are growing their own native plants. They are doing seed collecting, seed storage, and actual on-the-ground

limits are vegetated. And the areas, at least near the road where you can see where the vehicles are active, looks like the Sahara Desert. They are bare and moving sand. That is my experience from the visits that I have done with going on botanical excursions to the area.

As far as research, about two years ago, I went to the Southwest Rare Plant Conference. And there was three talks on the Peirson's milkvetch there. One of them was the one that was funded by the Sand Organization. And my take on it was that each one of the talks provided a piece of the puzzle. And we still don't have a full idea of what is going on. Sometimes the research brings out more new questions than were answered by the research itself.

And that -- my take on the subject was that the boundaries that were determined were not based on science. They were based on historic choices and where the boundaries were. And I think that's why the lawsuit took place. And it was very easy to do because of lack of botanical knowledge on the distribution and ecology of the plant. And it will continue to be easy to have lawsuits as long as plans aren't based on science. As soon as compromises are made, these kinds of situations will come up.



1 I guess I would like to point out that  
2 research can help out. I have been working at Edwards  
3 for a long time. And as you know, the Mojave ground  
4 squirrel has been proposed for listing. It's going to  
5 be a tough one to fight. Just prior to that, the  
6 desert cymopterus was proposed for listing, and it was  
7 not, primarily on research that was done. Most of the  
8 populations are located on Edwards Air Force Base. I  
9 was there for seven years. And every spare moment I  
10 had, I volunteered and was out in the field counting  
11 populations, doing very, very basic ecological  
12 research, nowhere near important stuff.

13 I have learned that there are these  
14 population modeling programs that exist from the  
15 Southern California Botanist meeting that I went to  
16 recently. George Walker, a former Fish and Wildlife  
17 Service employee in the Barstow office, just completed  
18 a genetic study of the population and genetic  
19 variability within the federally listed Lane Mountain  
20 milkvetch. That doesn't exist for the desert  
21 cymopterus. We don't know yet. But the continued  
22 funding of botanical positions and botanical research  
23 can result in not listing a species.

24 I think that's the most important thing I  
25 can point out right now. There is a lot more that

1 needs to be done on the Peirson's milkvetch. It's a  
2 difficult area. It's a whole ecosystem. It's an  
3 island. It's a very limited area. And plant numbers  
4 in an exceptionally good year are not the only thing  
5 you can look at. Number of seeds in the soil is not  
6 something you can just look at to make a  
7 recommendation.

8 Earlier I commented that I was not happy  
9 with the detail that was in the West Mojave Plan. And  
10 I think that the next step is for the State to join on  
11 this saying they requested a Multispecies Plan be  
12 done, it's my understanding. And they are working on  
13 putting out bid in the amount of time they think they  
14 will take to finish that next step.

15 So I just think that science knowledge can  
16 help to reduce future lawsuits and altercations. And  
17 just asking the BLM to be aware of what may happen  
18 when compromises are made in the management plan.  
19 That's what I would like to say.

20 CHAIRMAN KEMPER: Thank you.

21 Mr. Betterley.

22 MEMBER BETTERLEY: Mr. Chairman, thank  
23 you. I certainly welcome Steve on board at the Desert  
24 District. I'm not sure that Steve realizes what he is  
25 into here. But your area is larger than five New

1 England states controlled by five governments, 34  
2 county supervisors or commissioners, 96 city mayors  
3 and councils. And you are larger than all of those  
4 put together. They have a \$30 million budget and you  
5 have less than \$18 million to run an area that big.

6 And I compliment you on coming back home to  
7 Southern California, and I certainly wish you well.  
8 I've got to tell you, this DAC Board will certainly  
9 help you all the way through your stay. Thank you.  
10 That's all.

11 CHAIRMAN KEMPER: Mr. Schiller.

12 MEMBER SCHILLER: I will try to be  
13 brief. I have a couple items I would like to mention.

14 First, I would like to thank everybody who  
15 organized and put on the tour yesterday. I had a  
16 great time. I learned a lot. I like thank Tom for  
17 driving all day. And I certainly enjoyed my visit  
18 with Roxie and Vicki and I learned a lot during the  
19 day.

20 One thing I would like to comment on the  
21 tour, however, is as most people know, I'm pretty  
22 adamant about representing the types of recreation  
23 that aren't normally recognized, high profile. And I  
24 appreciate the OHV community and I appreciate  
25 particularly the information Roy has provided on the

1 update. But there are a lot of other folks who depend  
2 upon public access for recreational type purposes.  
3 Particularly, gem and mineral societies and such as  
4 that.

5 I would point out that when we got back,  
6 Howard had mentioned some of the minerals and gemsites  
7 he knew were around here. And this morning he showed  
8 me in his published book some of the significant site  
9 that have been published for many years. And those  
10 sites involve areas that we stopped at. The Incopah  
11 Gorge, Table Mountain, the gravel sites. Plaster City  
12 apparently has significant agate and petrified wood  
13 that can be picked up. And another significant sites  
14 is in the Yuha Basin. And I would have liked to have  
15 known, being that's one of my interests, more about  
16 that type of recreation.

17 So I would ask in the future that maybe  
18 that could be considered by the field office managers  
19 when we go on our tours. And I would recommend at  
20 least obtaining the gem and mineral -- Gem Trail of  
21 Southern California by John Mitchell. That's a pretty  
22 good overall representation of the Southern California  
23 area. Although there are a lot more sites that have  
24 been discovered and are known, that book is a pretty  
25 good reference. And I would be happy to talk with you



1 to see what I could find out on the different resource  
2 areas as well.

3 Just one last point I would like to make  
4 is, before I left home I received a number of calls  
5 and comments and e-mails regarding some concern about  
6 the meeting place, the remoteness of the meeting  
7 place, and the lack of nearby affordable facilities.  
8 And so it's something that -- I would like to see more  
9 of the public involvement. And I think we should be  
10 mindful of that in the future when we designate areas  
11 that the DAC is going to meet to allow maximized  
12 public involvement.

13 That's all I have.

14 CHAIRMAN KEMPER: Thank you, Mr.  
15 Schiller. Mr. Brown.

16 MEMBER BROWN. Howard Brown representing  
17 nonrenewable resources.

18 I would like to first say I agree with  
19 everything Ron said, that having the meetings in  
20 places where we can have more public involvement I  
21 think is better. I mean, it's the same people that we  
22 have seen for the last three days. So it just gets  
23 redundant to say the same thing to the same people all  
24 the time. I would like to see some public out there  
25 that maybe doesn't know about all this stuff already.

1 So rather than take up a lot of time, I  
2 represent nonrenewable resources. Again, that's  
3 basically mining, to remind everyone of the  
4 fundamental role mining plays in our society, and to  
5 keep in mind that if you can't grow it, you have to  
6 mine it.

7 And again, what Ron had mentioned, access  
8 to the public lands is really important for continued  
9 mining industry and the streamlined permitting  
10 process. A lot of what I have heard in the last  
11 couple of days dealt with the lack of funds to  
12 implement plans and things like that. But so much  
13 effort and dollars are spent toward nonhuman species,  
14 but looking forward and with each of the managers'  
15 presentations, the population grew by 10 million  
16 people. So it's probably up to 80 or 90 million by  
17 now.

18 I think we need to look forward to what  
19 enhancements can be made toward the human populations  
20 since that's really to me what is most important is  
21 humans, is our welfare, not the little bugs and  
22 lizards. And I think we need to look toward making  
23 things better for humans, and that includes continued  
24 mining to provide the raw materials that our society  
25 needs.

1 That's my thing.

2 CHAIRMAN KEMPER: Thank you, Member  
3 Brown.

4 I'm Ron Kemper, and I represent renewable  
5 resources in general and grazing particularly.

6 I did enjoy yesterday's tour, and I  
7 appreciate it. I can tell you that the grazing  
8 community continues to be challenged, but we're  
9 meeting those challenges of running operations in the  
10 Mojave. I'm happy to say that we have good operators,  
11 great stewardship, and I think we can look forward to  
12 many, many more years of being productive in a  
13 beneficial fashion which helps promote more  
14 biodiversity in the desert.

15 It became very clear to me yesterday, and I  
16 have preached for years and years now that we have --  
17 that we are not best utilizing our resources. We  
18 haven't identified what makes money for the  
19 organization. A message I continually get from BLM,  
20 we don't have the money, we don't have the money, we  
21 don't have the money, we don't have the money. You  
22 guys are the managers of the most valuable assets that  
23 California has to offer, and that's real estate.

24 So I'm going to be working with all of you  
25 and the district manager. And we have some ideas and

1 I will be trying to put together a TRT by the end of  
2 the day that will help resolve those problems in a  
3 positive fashion for all facets of the desert, whether  
4 it be people or environment or conservation, livestock  
5 producers and all that. I believe that there is  
6 honestly a way to do it if we deal on the positives  
7 rather than the negatives.

8 I think we spend a lot of time identifying  
9 what is difficult to do and what we don't have money  
10 for, but we haven't started out our business plan by  
11 saying where are we going to generate the money? How  
12 are we going to do it? And how are we going to  
13 sustain it? I have to tell you, I really don't think  
14 it would be that difficult. So I look forward to  
15 working with all of you and working with members of  
16 the DAC. And I think we can do something really  
17 positive for the desert.

18 With that, I will turn --

19 MEMBER DENNER: Before you move on,  
20 could I introduce a guest in the audience, please?

21 CHAIRMAN KEMPER: You may.

22 MEMBER DENNER: I want to recognize  
23 Kathy Dolinar. Kathy is the superintendent of the  
24 Ocotillo Wells State Vehicle Recreation Area. She  
25 didn't lose her money in the budget like the rest of

1 the BLM people did. We heard yesterday about the  
2 potential for geothermal exploration at Truckhaven.  
3 Kathy will be intimately involved in it. I don't know  
4 if we want to speak to her about that. I'm sure Kathy  
5 will be coming to DAC meetings regularly, as those  
6 kind of explorations in the State vehicle areas take  
7 place.

8 CHAIRMAN KEMPER: Kathy, do you have  
9 anything you would like to share with us? And by the  
10 way, welcome.

11 MS. DOLINAR: Thank you. In terms of  
12 the geothermal, I'm not sure what was covered  
13 yesterday. There was an application for a permit by  
14 an individual on State Park property, which after two  
15 years in the process, was denied. I worked closely  
16 with your office over in Riverside in terms of the  
17 permits that have come in. And I spoke with Vicki  
18 Wood several times on the ones that the applications  
19 have come in for that are on property that you guys  
20 own but that we manage in the east acquisition area.

21 There may be an update I don't have yet, if  
22 something came in yesterday on that. Just as a side  
23 note, also, in terms of the funding and the processes  
24 for the OHV grants, I think that it's important to  
25 note the complete process in looking at the fact that

1 the Division has currently withdrawn the funding for  
2 those. That they had initially set up a process that  
3 would be competitive in nature to be followed. And  
4 there are areas where the process was not followed  
5 that go both ways: That show that the recommendation  
6 based on the standards was low, and it was given high.  
7 And the standard where it was high and given low.

8 Legally they were required to establish  
9 these standards. And what the purpose of that was is  
10 that there could be a situation where people are  
11 choosing only projects that may be important to them  
12 personally.

13 CHAIRMAN KEMPER: You don't really think  
14 that would happen?

15 MS. DOLINAR: It would set up a  
16 competitive process by doing it that way. I  
17 wouldn't -- and I received the same information  
18 yesterday. I haven't spoken with our division office  
19 yet regarding that, but I wouldn't look at it as an  
20 end to the funding for those things. I think what  
21 they were calling was, this was not done correctly and  
22 we need to correct this.

23 My personal feeling is that it wouldn't  
24 necessarily take away everything, but that it needs to  
25 be relooked at according to what the competitive

1 process said.

2 CHAIRMAN KEMPER: Now, Kathy, are you  
3 suggesting that we follow the rules?

4 MS. DOLINAR: Yes. I'm just suggesting  
5 that total picture -- kind of what I hear is, oh, no,  
6 the OHV Division has pulled all this money. But I  
7 think it's important to remember what the OHV Division  
8 was trying to do was set up a competitive process  
9 whereby things would be rated equally and not  
10 according to one person's personal preference for  
11 something that they wanted. And that could give  
12 everybody an equal opportunity across the board.

13 I note their intent -- and I work with the  
14 El Centro office very closely -- was not let's just  
15 take all the money out of El Centro. It wasn't  
16 related to that. They looked through the whole  
17 process. And it was the first year that they had this  
18 process in place. So those things are evolving. You  
19 learn from them, and you move on. But I wouldn't --  
20 personally, I didn't look at it when I read it as this  
21 is the end to these guys getting money.

22 MEMBER DENNER: Kathy, so we don't give  
23 the BLM field managers undue hope, I might read two  
24 sentences out of Daphne Greene's letter. It says,  
25 "The division will not be executing contracts on the

1 projects listed on Exhibit A at this time. As a  
2 result, the unused funds will revert to the trust fund  
3 and will be available for appropriation for future  
4 years." That suggested that the game is over for this  
5 year.

6 MS. DOLINAR: I would wait until after  
7 the end of the Commission meeting today before I made  
8 any type of judgment, and that's going on in  
9 Sacramento today.

10 CHAIRMAN KEMPER: Would it be possible,  
11 Roy, Kathy, staff, because our meeting is going to be  
12 over with today, for us to get some kind of an e-mail  
13 updating us on these decisions, just so we have it  
14 individually? Is that possible?

15 MEMBER DENNER: We ought to be able to  
16 call up there and get some feedback as to what the  
17 status is. I suspect it's going to be a long day up  
18 there.

19 CHAIRMAN KEMPER: Doran has all our  
20 e-mails.

21 MR. SANCHEZ: Whatever information,  
22 certainly, that we get today, we can make sure you  
23 have by Monday. If we can't get anything, because it  
24 may be a long day, but we will make that commitment.  
25 Whatever happens, between Roy and our members who are

1 currently there, we will get some kind of summary of  
2 what happens at today's action.

3 CHAIRMAN KEMPER: Thank you. And thank  
4 you, Kathy.

5 MS. DOLINAR: That wasn't shared as  
6 coming from above. That's just my opinion and what I  
7 read into it. If there is anything you ever need from  
8 the Ocotillo Wells SVRA or that area down there, don't  
9 hesitate to let me know.

10 CHAIRMAN KEMPER: Kathy, I honestly  
11 believe that your perceptions are probably correct.  
12 Thank you.

13 District manager, Steve Borchard. Did I  
14 pronounce it right?

15 MR. BORCHARD: Yes.

16 I want to thank the Council for the very  
17 warm welcome that I have received and the opportunity  
18 to begin to get to know each of you individually that  
19 I have had over the last two and a half days. It's  
20 been very enjoyable to me, and I look forward to  
21 continuing in that effort in the future.

22 Bill, your statement that you are here to  
23 help the BLM, I hope to God you are here to help the  
24 BLM because we need a lot of help. And this body is  
25 just critical to our striving towards success at

1 managing the extremely diverse resources in the Desert  
2 District, in association with the continually growing  
3 population and demands that that population puts on  
4 the desert resources. And I look forward to the  
5 challenge and look forward to a very positive  
6 relationship with you all for many years to come.

7 I guess at this time I will just go through  
8 the district manager's report on just a very small  
9 amount of the issues that we all face.

10 In the Surprise Canyon planning effort, we  
11 have a plan -- an early draft of the plan that is  
12 currently undergoing a BLM internal review process.  
13 Once we complete that process and are satisfied with  
14 what we have, we will then pass it on to our partners  
15 at the Park Service for their internal review. And we  
16 expect to complete that interagency review by late May  
17 or early June. At that time, we will present an  
18 internal review draft to our cooperators, including  
19 Inyo County, California Fish and Game, the Timbisha  
20 Tribe, the District Advisory Surprise TRT, and right  
21 now I show that that list is Dr. Tom Scott, Ron  
22 Schiller, Carol Wiley, Paul Smith, Howard Brown, and  
23 Jon McQuiston. Is there anybody that is not on that  
24 list that's on the TRT?

25 CHAIRMAN KEMPER: Actually, the chair is

1 also de facto on all TRTs.

2 MR. BORCHARD: The West Mojave Plan has  
3 already been mentioned today, and I was asked to  
4 provide an update on the schedule for that. Of  
5 course, we have received the Biological Opinion.  
6 There is a copy of it posted on our State BLM Web page  
7 if any of you are interested in seeing it.

8 We are in the process of processing our  
9 plan protests in cooperation with our Washington  
10 office right now. We anticipate completing that  
11 process, which will involve development of responses  
12 to the protests and approval through the Department of  
13 Interior by the end of February. And anticipate that  
14 Mike and I will be signing the ROD in early March.

15 I have a statement on Eagle Mountain, the  
16 Eagle Mountain lawsuit. BLM supports the decision by  
17 the US Department of Justice to appeal the ruling  
18 issued in federal court on September 30th regarding  
19 the Eagle Mountain exchange and associated landfill  
20 project. While the landfill proposal is solely a  
21 state and county matter in regard to private property  
22 owned by Kaiser, Eagle Mountain, Incorporated, and  
23 Mine Reclamation Court in Riverside County, the BLM  
24 involvement in the lawsuit is specifically tied to a  
25 land exchange and right-of-way authorization completed

1 in October, '99, between BLM and the company.

2 BLM believes that the land exchange and  
3 right-of-way actions were done properly and are still  
4 in the public's interest. In that exchange, BLM  
5 transferred 3,400 acres of scattered tracts of public  
6 lands in and around the former Kaiser Mine site that  
7 were inaccessible and of little use to the public. In  
8 return, BLM acquired for the public 2,800 acres of  
9 public lands with significant desert tortoise habitat  
10 in the Chuckwalla Bench and Dos Palmas areas of  
11 Riverside County.

12 As you all know, the desert tortoise was  
13 listed in 1998. BLM also notes that the plaintiffs in  
14 this lawsuit had previously appealed BLM's decision to  
15 the Interior Board of Land Appeals in Washington, D.C.  
16 and the IBLA upheld BLM's decision.

17 The Palo Verde exchange, BLM has recently  
18 published a notice of availability of that land  
19 exchange. That publication of this notice of  
20 availability initiates a 45-day public protest period.  
21 The land exchange involves 2,000 acres of public land  
22 in eastern Riverside and Imperial counties. In  
23 exchange, the BLM would receive 29,500 acres within  
24 wilderness and within environmentally significant  
25 areas. A copy of the news release of this public

1 notice is on the back table, if you would like to read  
2 it.

3 Roy gave us a pretty good update on the  
4 Imperial Sand Dunes and the status of the Resource  
5 Management Plan, so I won't spend a lot of time on  
6 that, other than letting you know that we continue  
7 with our agreement with the Imperial County Sheriff's  
8 Office to oversee fee collections at the recreation  
9 area. And we will be conducting monitoring at the  
10 Dunes during March and April of the Peirson's  
11 milkvetch.

12 MEMBER DENNER: Steve, at this point you  
13 might be happy to know that the Imperial County  
14 Sheriff's grant stayed in place.

15 MR. BORCHARD: Thank you. That's good  
16 news.

17 MEMBER DENNER: Good news, yes.

18 MR. BORCHARD: The proposed Truckhaven-  
19 Superstition geothermal project, you received a  
20 briefing on that project at our Ontario meeting. The  
21 BLM has completed a series of public meetings on that  
22 project. I believe we have sent out our request for  
23 proposals to find a contractor to help us with that  
24 environmental document preparation.

25 And that's where we are at, so we are

1 waiting on responses. I believe we are -- if I'm  
2 right, Vicki, we are shooting for a fall date for  
3 release of a draft EIS for that project?

4 MS. WOOD: Yes.

5 CHAIRMAN KEMPER: I do have a couple of  
6 questions. And I might direct them towards Vicki  
7 instead of Steve because I think she will have a  
8 better understanding. And correct me if I'm wrong.

9 As I recall -- I was a little surprised to  
10 hear that the Imperial law enforcement was still  
11 involved in the collection of fees at Dumont Dunes. I  
12 know that they were adding some people down there.  
13 But my understanding was that they would be involved  
14 in that process for a very limited amount of time  
15 until automated systems went into effect where people  
16 could pay and get passes. And that the financial  
17 arrangement between that County and the BLM was the  
18 County would get like 20 percent of the fees and the  
19 BLM would get 80 percent. But if they are providing  
20 all the manpower to collect the fees, that may seem a  
21 little disproportionate. Vicki, am I correct?

22 MS. WOOD: It's actually 70-30 percent.  
23 And their manpower is part of the agreement.

24 CHAIRMAN KEMPER: Wasn't there supposed  
25 to be an automated system to collect fees?

1 MS. WOOD: There is, and that contractor  
2 fell through last year, the reason we didn't have  
3 machines last year. The proposal is out on the street  
4 again, even as we speak. And hopefully they will have  
5 bids in -- time frame in March.

6 MR. BORCHARD: March 1st.

7 MS. WOOD: And hopefully those bids will  
8 come in reasonable enough that we will be able to have  
9 the machines that have the smart chip in them and all  
10 of that will go forward.

11 CHAIRMAN KEMPER: Good. So it's  
12 something that you are addressing and continuing to  
13 look towards. It just seems that what is going on --  
14 we talked about money and making sure we had money in  
15 the agencies. And one of the ways they can do that is  
16 to modernize and mechanize and use what is available  
17 to you rather than adding lots and lots of more  
18 people.

19 MS. WOOD: Yes, we are giving them the  
20 opportunity to work through that agreement.

21 MR. SANCHEZ: Just one additional point.  
22 It's a five-year agreement between the BLM and  
23 Imperial County Sheriff that they will be overseeing  
24 this. And at the end of that five years, it will be  
25 reviewed. But it's a five-year agreement.

1 CHAIRMAN KEMPER: But my understanding,  
2 Doran, was that everybody had thought that an  
3 automated system would be in by the summer.

4 MEMBER DENNER: Just so it's clear, when  
5 the automated system is in, the fee collection will  
6 still be managed by the Imperial County Sheriff's  
7 office. There was a glitch because of the entitlement  
8 to the reading technology or whatever. But when the  
9 automated system is in, it will be put in by the  
10 Imperial County Sheriff's office, and they will still  
11 be collecting fees for the next five years, not the  
12 BLM.

13 MR. BORCHARD: They will maintain  
14 responsibility for managing these systems. They are  
15 going to enter into an agreement with the company,  
16 purchase the equipment, and maintain it. They will  
17 still be managing the overall fee collection system  
18 that hopefully before September will be moved to the  
19 automated system.

20 CHAIRMAN KEMPER: I had misunderstood.  
21 I thought the BLM was actually administering the  
22 purchasing of the system.

23 MR. BORCHARD: No.

24 MEMBER DENNER: I might add that the TRT  
25 is wholly in favor of the Sheriff's Department taking

1 over the fee collection, because they are already out  
2 there helping with law enforcement. And it's a  
3 natural that when the enforcement officers are out  
4 checking on whether people pay the fees or not, that  
5 they are the people responsible for collecting the  
6 fees.

7 CHAIRMAN KEMPER: Okay. If there are  
8 not any more comments from the Council or the audience  
9 at this time or the staff, I will go ahead and call  
10 for a break. We will reconvene in 15 minutes. Doran  
11 is raising his hand.

12 MR. SANCHEZ: During the break, most of  
13 you will probably be checking out. In front of you is  
14 the folder with your travel vouchers. Please sign  
15 your travel voucher and bring your hotel receipt and  
16 attach it to that, and then we will collect that.  
17 When we go back Monday or Tuesday, that will help  
18 expediting processing.

19 MEMBER SCOTT: What about mileage?

20 MR. SANCHEZ: There should be a mileage  
21 recordation sheet in that packet also. So we will  
22 need your signed travel voucher and your mileage.

23 MEMBER PRESCH: All six copies?

24 MR. SANCHEZ: No, just one.

25 MEMBER PRESCH: You gave me six copies.

1 CHAIRMAN KEMPER: Just fill this form  
2 out and attach --

3 MR. SANCHEZ: All we need is sign the  
4 travel voucher and hotel receipt and fill out your  
5 mileage.

6 CHAIRMAN KEMPER: We will reconvene in  
7 15 minutes.

8 (Fifteen-minute recess was taken.)

9 CHAIRMAN KEMPER: Any questions from the  
10 Council regarding the area managers' reports?

11 MEMBER SCHILLER: I'm most interested in  
12 the Ridgecrest field office report. One of the items  
13 that I wanted to ask you about is -- I know we had  
14 talked about it earlier, but do you have any more  
15 information regarding the Deep Rose project regarding  
16 public involvement coming up on that environmental  
17 document?

18 MR. VILLALOBOS: Hector Villalobos,  
19 field manager in the Ridgecrest field office. And Ron  
20 is interested in the Deep Rose project. We have a  
21 little description of the Deep Rose project,  
22 proponent's proposal for an exploratory well,  
23 exploratory geothermal drilling on a state land parcel  
24 of land, 400 -- it's a section of land -- 640-acre  
25 section of state land with a 39-mile-long

1 right-of-way. We are partnering with the Division of  
2 Oil and Gas and Geothermal Resources for the State of  
3 California, who is the lead for the CEQA document.  
4 And we are taking the lead, of course, being a co-lead  
5 with them for the NEPA document for the -- for the  
6 right-of-way to the state land.

7 Their proposal has been -- they have gone  
8 forward for a geothermal prospecting permit with the  
9 State of California, and they also put forth a request  
10 for right-of-way from the BLM. This is kind of a  
11 complicated situation. Two agencies have to address  
12 the NEPA and the CEQA documentation for that, and they  
13 hired a consultant whose name is in my report.

14 The consultant has drafted the CEQA  
15 document, which we are going to be using for our NEPA  
16 documentation. Together, they looked at the right-of-  
17 way, together with the state land, as a package of how  
18 they are going to do their proposal. They have  
19 done -- they have done cultural resource reports,  
20 which I think that's the main concern that's going to  
21 be surfacing at this point.

22 And they have also put forth -- and this  
23 was kind of a surprise to me; I wasn't aware of it.  
24 After the Christmas vacation, I came to the office and  
25 found a draft CEQA document that had been put out for

1 public review. We had a meeting, a short meeting with  
2 the state folks, conference calls with them after the  
3 new year. And we also had -- we had a meeting with  
4 the proponent, Deep Rose folks.

5 The processes are a little bit different.  
6 The State has to go forward within a number of -- a  
7 certain number of days, which I think is 120 days, to  
8 get public disclosure out. And that's why we see a  
9 document, the CEQA/NEPA document out for review right  
10 now as a draft. And it's kind of a little bit out of  
11 sync with our NEPA process. But that's okay because  
12 we had our consultations with them, and we talked with  
13 them. And what we are going to do -- and I already  
14 signed a letter to the Division requesting an  
15 additional 60 days for us to have public review on  
16 that project exclusively for the BLM concerns and for  
17 drafting up our Decision of Record on that. So as of  
18 now, we requested with the State and the proponents,  
19 and we are all okay with an additional public review  
20 period, which I anticipate will be around 60 days.

21 MEMBER SCHILLER: One question in  
22 relation to that. This may be -- during the  
23 discussion of the NEMO rights-of-way and route  
24 designations, there were a number of issues raised  
25 about needed changes in the future of the route

1 designations and such. And we were told that routes  
2 could be changed very slightly, but if there was  
3 anything more than that, it would be require an  
4 amendment to the 1980 plan. Will this require an  
5 amendment to the plan?

6 MR. VILLALOBOS: The right-of-way? I  
7 don't think it's going to require one at this time,  
8 because I don't see significant changes or adjustments  
9 of the routes that's in there. I know there was one  
10 route that was -- that they thought that maybe it  
11 might be closed, but -- okay.

12 Let me start from the beginning so that we  
13 know what we are talking about. This route is --  
14 there is an existing route they want to use right now.  
15 We went -- not we, but they went and did cultural  
16 resource surveys on it. And there are some cultural  
17 resource concerns they found. And with the additional  
18 new -- the route is going to have to be used for  
19 construction. That means moving drill rigs in through  
20 a road that usually was just used for Jeep or  
21 four-wheel drive vehicles.

22 There is going to have to be some major  
23 improvements and an additional route is going to have  
24 to be done. I don't think that's going to require an  
25 amendment because that's associated with the project

1 and may require access, and we will provide access  
2 through a riding (?).

3 MEMBER SCHILLER: One of the concerns I  
4 had was when I saw the map, I questioned, you know,  
5 some of the reclamation of existing routes that people  
6 use now. Any mitigation for the new routes?

7 MR. VILLALOBOS: We are going to have to  
8 revisit that. We are going to have to revisit that  
9 because there is two things that can happen on this  
10 proposal. The first thing, let's say they are  
11 successful and they are successful and they find the  
12 geothermal resource that's worth developing. We are  
13 going to have to decide the future of this road. Is  
14 it going to be a permanent-type road that's going to  
15 have to be there maintained at a certain level for  
16 their operations and perhaps further development of  
17 the field?

18 MEMBER BETTERLEY: That depends on their  
19 finding.

20 MR. VILLALOBOS: Yes. The other is,  
21 let's say they don't find anything and they decide we  
22 are out of here. Then we are going to look at the  
23 restoration. There might be some need to restore  
24 maybe the one they put in rather than the one that we  
25 were thinking we would do some restoration on. So

1 there is no redundancy. In other words, there is a  
2 road for access for the geothermal folks, and then  
3 there is a road for a Jeep trail that may not be  
4 necessary anymore. But that, we'll have to sort out,  
5 depending on the outcome.

6 MEMBER SCHILLER: I wanted to ask  
7 another question about the abandoned mining land  
8 reclamation. It indicates you are going to be closing  
9 a number of shafts. I wonder if any or how many of  
10 those are horizontal rather than vertical shafts.

11 MR. VILLALOBOS: Boy, I don't know. I  
12 don't have an idea of how many there are. There are  
13 hundreds of features out there. We are prioritizing  
14 them to see which they think. Even if it's a  
15 horizontal shaft, we do not necessarily have to close  
16 it, but maybe put a gate on it. These are all things  
17 that we will have to make decisions on as we go along  
18 and book an inventory and decide, well, this one we  
19 can cover. This one we can put a gate on. This one  
20 we can put a fence on. This one we can foam, and we  
21 will go about that process, looking at potential  
22 hazards there and make a decision about that one.

23 MEMBER SCHILLER: The one concern that I  
24 would make -- and see if you have a comment. Those  
25 provide -- oftentimes they provide a source of mineral

1 specimens that are sought after and oftentimes you can  
2 pick up. Oftentimes -- I realize there is a risk to  
3 everything and you can't save everybody every time  
4 from themselves. You know, we had a teacher last year  
5 fall off of Robert's Roost and get killed and fall off  
6 hiking trails. So I think one thing that I would say  
7 is consider a few of them that aren't tremendously  
8 dangerous.

9 Another question I had -- and this one is  
10 very important to me. You have a report on the  
11 Furnace Creek. And I received a call a week ago  
12 Friday from a friend in Bishop who spends a lot of  
13 time with the Forest Service monitoring some of the  
14 issues. And he told me that the Forest Service had  
15 received a call from the Ridgecrest Resource Area and  
16 he didn't say who or what, but other than there was  
17 information given to the Forest Service that it didn't  
18 make much difference on the final status of Furnace  
19 Creek because there was no funding to do anything or  
20 reopen that road at least two years.

21 So I'm interested in knowing if that is a  
22 fact.

23 MR. VILLALOBOS: That comment was a  
24 phone call that one of my staff provided to the Forest  
25 Service in our timing of the division record. And the

1 timing that it could take for final resolution of that  
2 decision.

3 MEMBER SCHILLER: Two more years?

4 MR. VILLALOBOS: Let's say we get sued,  
5 for example, and someone asks for an appeal and they  
6 are sustained on the decision. He was being --  
7 looking at the potential outcomes of the decision that  
8 we are going to have there. And you know that if  
9 there is a situation that's appealed, it could. And  
10 there is one other step that we have to go through on  
11 the decision.

12 MEMBER DENNER: Hector, the reporter is  
13 having a hard time hearing you.

14 THE REPORTER: Could you step my  
15 direction a little bit more?

16 MR. VILLALOBOS: Okay. There is a  
17 two-step decision that we are going to be making. The  
18 first step is that I expect early February doing the  
19 Decision Record for Furnace, together with the Forest  
20 Service. The Decision Record is going to be out for  
21 public review, and the Decision Record maybe is  
22 appealable. So that might happen. I don't know. I'm  
23 speculating.

24 The decision will probably result in a  
25 requirement to amend our route designations out there.

1 And so then we will kick off the amendment process.  
2 Does that make sense to you? Once we make the  
3 decision, the route, whether it's open or closed, and  
4 we have evaluated all the concerns, whether it's open  
5 or closed and make a decision on that, that will then  
6 result in a -- you need to do a plan amendment to  
7 designate the route open or closed.

8 MEMBER SCHILLER: I guess here is my  
9 concern. And I know that it's not the fault of the  
10 Ridgecrest Resource Area field office. But Furnace  
11 Creek and Surprise Canyon both, you know, came about  
12 from a lawsuit. And at least from the public's point  
13 of view, that was just an immediate agreement with the  
14 BLM to close that route. And part of the issue is as  
15 you close a route for any length of time, the route  
16 deteriorates. Oftentimes the routes are kept open and  
17 passable by the passage of vehicles. So you  
18 automatically commit to a considerable amount of  
19 reclamation by nature.

20 And so as time goes on, we get to a point  
21 to where it's a moot point. Somebody comes along and  
22 sues, whether it's valid or not. The time for the BLM  
23 to react -- in this case the lawsuit was 2000. We are  
24 into 2006. So if we can hike up Surprise Canyon and  
25 it's not representative of what the actual conditions

1 were when the lawsuit was filed, but the lawsuit just  
2 more or less puts an injunction on closing the road.  
3 So again the public loses another point of access.

4 And Furnace Creek, as you know, had some  
5 flooding this year. And I know down below the  
6 closure, that the local community, including one of  
7 the local merchants and the county supervisor, went up  
8 there and opened up down below and in your current  
9 closure.

10 So what I am concerned about as this drags  
11 out and as we have funding problems, we continue to  
12 lose. And this is based on nothing but an agreement  
13 to close the study. So I have some problem with that.  
14 I think a lot of people in the local areas do, as  
15 well.

16 MR. VILLALOBOS: I appreciate your  
17 concerns there, and I know what you are talking about.

18 One of the things I want to make sure is we  
19 don't cause further delays because we didn't follow  
20 process. And I want to make sure that we get our  
21 process completed and complied with because I think if  
22 we don't follow our process, it will only result in  
23 further delays, I think. But I appreciate that. And  
24 what I want to do is have a Decision Record signing  
25 early in February. This is the Forest Service. And

1 we feel strongly that we are at the position of making  
2 decision on this early February. We will make it  
3 concurrently. That will initiate our plan amendment  
4 process for Furnace Creek. And we will go from there.

5 MEMBER SCHILLER: I would just hope that  
6 the BLM and Forest Service recognizes that there have  
7 been repeated offers of help for maintenance. I know  
8 Bill -- I can't think of his last name -- the county  
9 supervisor over there has committed to work with the  
10 agencies to do whatever we can to keep the route open  
11 and passable. And I hope that will be considered as  
12 part of -- when the funding crunch affects this, that  
13 there will be some creative opportunities to work with  
14 local volunteers to assist and hopefully minimize the  
15 funds required.

16 I just have one last question. Under  
17 recreation maintenance program updates, of the 200  
18 miles of roads and trails maintained, how many were  
19 outside of the OHV areas?

20 MR. VILLALOBOS: Off the top of my head,  
21 I can't tell you. There were 200 miles that were  
22 restored. There were some that were outside of the  
23 heavy OHV use area. There were some routes that we  
24 had to go out there and fix, but I can't tell you off  
25 of the top of my head how many miles were in the OHV



1 areas and which routes they were.

2 The flooding that occurred this year, and  
3 we have had several periods of periodic rains that  
4 have caused a lot of damage on the routes. And our  
5 crews as best as they can -- not only our crews, but  
6 you can probably add another couple hundred miles from  
7 folks from LADWP that they have helped us fix also.  
8 But our 200 miles is just what BLM has done. LADWP  
9 and a few other counties have been out there helping  
10 us fix a lot of these roads that have been washed out.  
11 I can't tell you specifically how many, but we are not  
12 just concentrating our efforts, although it's a focus  
13 area for us. But when we hear that there is a bad  
14 situation in a road outside the heavy use OHV areas,  
15 we are trying to fix it or partner with somebody to  
16 fix it.

17 MEMBER SCHILLER: I appreciate that. I  
18 just raised the concern because I know in the past a  
19 number of people have continually raised issues over  
20 the OHV grant requests that were only keyed to the  
21 "OHV areas," while there are a lot of other  
22 stakeholders who do have a stake in that and do  
23 deserve some representation by maintaining some of the  
24 routes.

25 Oftentimes one of the fears is in one

1 passable. And so that's been a longstanding  
2 tradition. And maybe there could be some more  
3 partnerships with the BLM in doing those kinds of  
4 things. Oftentimes if it's a massive washout, there  
5 is nothing you can do with hand tools in a particular  
6 segment. But maybe a short section could be addressed  
7 by the BLM and the public work with you on the other  
8 sections.

9 MR. VILLALOBOS: That's probably a  
10 failure on my part to mention some of those  
11 partnerships, because our guys -- if it wasn't for  
12 LADWP, a lot of those routes out in the Eastern  
13 Sierras would be in worse shape. But we talk to them  
14 and they talk to us, and we all work out some kind of  
15 plan out there fixing some of those roads. And I need  
16 to communicate those kinds of partnerships better and  
17 probably other little partnerships with the county  
18 too. And every time Inyo County and Kern County, they  
19 are out there doing some work on these routes, too,  
20 keeping them open.

21 MEMBER SCHILLER: Maybe you could even  
22 expand that a little bit to partnership with some of  
23 the local groups. The Gear Grinders and the  
24 equestrians. I would be willing to help you whenever  
25 I can on that.

1 particular route, Pleasant Canyon, the fear is that if  
2 the BLM doesn't help to maintain that, we get into  
3 another Surprise Canyon situation. And we go through  
4 this whole process all over again. And I hope the  
5 information that Roy has given us this morning will  
6 help resolve some of the OHV grant request funds that  
7 we have there.

8 MR. VILLALOBOS: I appreciate that. And  
9 we have a network of routes. And I know there is  
10 estimates of somewhere in the neighborhood of around  
11 6,000 miles of routes in the Ridgecrest area. And 200  
12 miles is just a drop in the bucket. And the only  
13 thing that I can say is that there is a lot of self-  
14 maintaining routes up there. And sometimes we hear  
15 it's broken and it's not passable. And about two or  
16 three weeks or a month or two later when we get a  
17 chance to get out there and check it, oh, gosh,  
18 somebody fixed it and it's passable. But I wish I had  
19 a better way of assessing our complete needs. And  
20 maybe down the road when we get ahead of ourselves --

21 MEMBER SCHILLER: That's been a  
22 longstanding tradition is where we can, we go out. I  
23 know every year before we have our annual gem and  
24 mineral show, a lot of the guys will go out and check  
25 the road and stack rocks and stuff to make it

1 MR. VILLALOBOS: More questions?

2 CHAIRMAN KEMPER: Any other questions  
3 for Hector? You can't ask yourself.

4 MR. VILLALOBOS: May I can add some  
5 more?

6 CHAIRMAN KEMPER: Go ahead.

7 MR. VILLALOBOS: The Adopt-a-Cabin, I  
8 didn't add anything in for the Adopt-a-Cabin. And I  
9 would like to review a little bit on the Adopt-a-Cabin  
10 program, some progress that we are making on that.

11 We are -- just this week a cultural  
12 resources review was being conducted in our office.  
13 One of the focus areas was going to be the compliance  
14 on the Adopt-a-Cabin program. The technical review  
15 that's being conducted is a review that we promised  
16 the State Historic Preservation officer we would do.  
17 And the state office, with the help of the state  
18 archeologist -- I'm drawing a blank on his name -- Ken  
19 Wilson came to our office the beginning of this week  
20 and initiated a review of our cultural resources  
21 program.

22 Basically, I feel they are going to be  
23 finding that we are making good progress on that  
24 program. We have done a lot of things to start  
25 looking at cultural resources, historic properties,



1 compliance on that. So I feel that we are moving in  
2 the right direction and we will get a good grade on  
3 our report card for that.

4 One of the things that I talked to them  
5 about before coming to the meeting was the fact that  
6 we have \$30,000 in a directed funding to the State  
7 office for conducting a survey of some of the cabins  
8 that are clearly the responsibility of the BLM. And  
9 you all know that we made a declaration a while back  
10 in declaring some of these cabins abandoned and no  
11 longer necessary for mining claims, and there was no  
12 active mining claim associated with the cabin. And  
13 now that list of cabins was published, and we know  
14 what they are, and we are going to be trying to spend  
15 that \$30,000 on those cabins, in particular. Maybe a  
16 few others.

17 What we talked about this week was the  
18 scope of work that that \$30,000 will be used for. And  
19 the scope of work that I think that I suggested we  
20 needed to do was to decide whether some of these  
21 properties were indeed historic cabins and that they  
22 still had value for being considered an historic  
23 property. As we all know, some modifications have  
24 been made to these cabins by members of the -- of our  
25 volunteer groups and others that aren't members of

1 volunteer groups just coming in to do some work on  
2 these things to keep them from disappearing off the  
3 face of the earth.

4 Anyway, so there is going to be an  
5 assessment. If the modifications that have been done  
6 to these cabins, if that's impacted the possibility of  
7 listing the cabins as an historic register -- on the  
8 National Register of Historic Places. So that's part  
9 of the scope of work that we are going to be using  
10 this \$30,000 for.

11 The other thing I wanted to have them look  
12 at, the archaeologist that's going to be doing the  
13 work, is how we might modify some of these cabins to  
14 address some public safety questions, to what degree  
15 we have latitude to do that. And that's another  
16 aspect of the scope of work I would like the  
17 archaeologist to take a look at.

18 My plan is to have the archaeologist work  
19 closely with some of our volunteer coordinators for  
20 the cabins and learn about some of the special  
21 concerns that the archaeologist might have on these  
22 properties. So I expect that scope of work to be  
23 firmed up a little bit better by next time. And we  
24 will have a good idea of what we are going to be doing  
25 and what cabins.

1 There are a couple other cabins I'm  
2 considering requesting them to look at and that is the  
3 Burro Schmidt and the Big Hole Cabin site. And those  
4 two are of a particular interest for the public, they  
5 are very interested. They are known locations.  
6 Everybody knows that these are important to the  
7 public, and so I want to, even though there are some  
8 claimed issues there, we want to see -- because I know  
9 that the Bickel Camp mine cabins are -- the opinion is  
10 it should be a listed -- it should be listed. And  
11 that the BLM should take more responsibility in the  
12 care of the Bickel Camp. And of course, we know that  
13 the Burro Schmidt, we are going to be resolving the  
14 ownership question on that in the very near future,  
15 and that I feel we need to look at it, too.

16 The other thing that we had happen on the  
17 cabins is that we had an incident during the  
18 Thanksgiving holiday weekend. One of the structures  
19 that's next to -- I think it's either the Dawson or  
20 the Mingus caught fire and burned down. The structure  
21 was maybe about a 15-by-15 garage with tin and wood.  
22 The structure had a barbecue pit, a small portable  
23 barbecue pit inside of it and also a homemade stove,  
24 which were findings during one of our safety reviews  
25 that were pointed out as not being in compliance with

1 fire requirements for Kern County, basically.

2 I reviewed the fire report on that from  
3 Kern County Fire Department. I also reviewed the law  
4 enforcement reports that we made on that cabin fire.  
5 Basically it was a very busy weekend. It was kind of  
6 cold out there. It was windy. We probably had around  
7 over 100 people camping in and around that area. And  
8 many of those people were using the cabins. Those  
9 cabins do have these homemade stoves in them. It was  
10 a finding in one of our reports. It's also a probable  
11 or potential cause of the fire of that cabin,  
12 according to the reports that we received. Our law  
13 enforcement review basically found that a lot of these  
14 people were staying at the cabins and were using the  
15 stoves and they were going pretty much 24 hours a day.  
16 You just have a recipe for this kind of a problem to  
17 happen.

18 Anyway, it did catch fire. It did burn  
19 down. I would like to -- I want to get -- review this  
20 situation more closely with -- especially meeting the  
21 fire codes. And the decision is going to be a hard  
22 decision because some of the folks want to have stoves  
23 in these cabins because they like the warmth and the  
24 atmosphere it provides. But at the same time, it  
25 causes a hazard. And if this was indeed -- if this

1 location was listed, it would have been a potential  
2 SHPO disaster for us. I want to review that question  
3 of stoves in our cabins thoroughly and get going on  
4 the decision on that.

5 I got together with some of our volunteers  
6 for the cabins. There was a group of about 20  
7 volunteers that we got together. The site is being  
8 cleaned up. We packed a whole trailer full of trash  
9 and tin and things. And that was all the -- the site  
10 is all cleaned up now so it's not a -- it doesn't  
11 blight the area any more than what it did.

12 And I also had a meeting with the group at  
13 the same time, and we made some general consensus on a  
14 new volunteer agreement. And in the new volunteer  
15 agreement, I have a number of items that we are trying  
16 to make sure that the volunteers are okay with in how  
17 they will work with us and how we will work with them  
18 through a volunteer agreement.

19 And we also decided that it's important  
20 that we are going to revise the MOU's for each one of  
21 these cabins and will probably want to get some  
22 feedback that we get from these surveys that are going  
23 to be done by an archaeologist to tailor the MOU's for  
24 the sites so they are more site-specific and not too  
25 general, the way they have been written up in the

1 MEMBER TOM DAVIS: We have some halfway  
2 point cabins in our area, but what I want to know is  
3 roughly how many of them in the prevalent condition.

4 MR. VILLALOBOS: Right now we have taken  
5 responsibility for about a dozen cabins out there.  
6 There are many more, many more. We have had counts  
7 of -- maybe it's not the whole cabin complete, but it  
8 might be just the foundation of what used to be. And  
9 if we count those kinds of features, we have 60-some  
10 we have found here and there. If we look at what's  
11 maybe halfway standing structures, we are probably  
12 talking about 30-something.

13 MEMBER TOM DAVIS: Who would adopt these  
14 cabins?

15 MR. VILLALOBOS: That's why I am trying  
16 to get away from the "adoption."

17 MEMBER TOM DAVIS: I understand, but --

18 MR. VILLALOBOS: Yeah, just volunteers.

19 MEMBER TOM DAVIS: What you are looking  
20 for is volunteers to take care of the cabins. You are  
21 not looking for organizations to adopt a cabin and put  
22 a label on it and take ownership of it?

23 MR. VILLALOBOS: Informally what has  
24 occurred is we have groups of people that have zeroed  
25 in or focused in a certain area or certain cabin. And

1 past.

2 So basically that's the news that I have  
3 for you on the Adopt-a-Cabin. I also want to say that  
4 I would like to start transitioning from Adopt-a-Cabin  
5 to a different title. And I'm going to be working on  
6 how we do that. But I would like to start calling  
7 this Historic Cabin Site Stewardship Program, and we  
8 will find a way to transition.

9 MEMBER TOM DAVIS: I have a couple  
10 questions.

11 CHAIRMAN KEMPER: Yes, sir.

12 MEMBER TOM DAVIS: Just for my  
13 edification, what is the character of these cabins and  
14 how many of them are there?

15 MR. VILLALOBOS: Oh, gosh. The cabins  
16 that we are working with are generally historic  
17 cabins. They are generally from -- maybe a few date  
18 back to the turn of the century. Some of them are  
19 maybe thirties, forties, fifties, to seventies. And  
20 there might be a few that are in the eighties.  
21 Basically, they are associated with mining claims,  
22 when old prospectors used to go out and do prospecting  
23 and use the cabins in connection with prospecting.  
24 Sometimes it was a little bit questionable whether  
25 they were really prospecting.

1 they have informally formed groups like Friends of  
2 Bickel, Friends of like Boxcar Cabin, et cetera. So  
3 we have probably around a dozen Friends groups of  
4 these kinds of cabins.

5 The ones that are really cared for, that  
6 people have really gotten interested, it's less than  
7 20 that people are really interested in and halfway  
8 have been maintained in some fashion or another and  
9 that are standing. And that actually there are two  
10 interests in it. One interest is historic context.  
11 Other folks are interested in its recreational value.  
12 That is, can I go back there, camp out and hang around  
13 the cabin for a while and actually stay in it? So  
14 there are two interests and those two informal groups.

15 What I want to do is formalize it more  
16 because a lot of modifications are being done to these  
17 cabins and that's gotten our concern and SHPO's  
18 concern that, gosh, they are no longer really the way  
19 they were, but the character has been changed and it's  
20 just basically a back-country shelter now.

21 The survey might tell us that. The survey  
22 might result in saying this cabin is more or less a  
23 back-country shelter now and we don't really care if  
24 you put new windows on it or new roof or porch or add  
25 rooms to it. But others are not.

1 CHAIRMAN KEMPER: I'm sorry. Jon  
2 McQuiston.

3 MEMBER McQUISTON: Go ahead.

4 CHAIRMAN KEMPER: I have heard a lot the  
5 last few years about the need for moneys and I realize  
6 these people, they bear the brunt of the costs of  
7 maintaining and managing those cabins because that's  
8 where they like camping. But I'm reminded of when I  
9 was in Alaska, and US Forestry had cabins on the  
10 islands that were in different areas along the coast  
11 that were used for shelters. A lot of them had boats  
12 and partially stocked. There was a small fee to stay  
13 at the cabin that covered the administration of that  
14 facility. And they were usually maintained by people  
15 who used the cabins and the agency, to some degree.

16 I know that there are some concerns about  
17 the cabins being changed, but, you know, everything  
18 changes, everything progresses. And when a piece of  
19 tin blows off, they might replace it with a different  
20 kind of tin or do something.

21 But is there any kind of fee structure in  
22 place for the use of those cabins that helps you  
23 offset your administration, cost of administrating the  
24 cabin program?

25 MR. VILLALOBOS: There is a potential

1 for doing that. And it's already resulted in some  
2 funding for us. One example is the structure that we  
3 call the Post Office, which is in the Last Chance  
4 Canyon area. We had -- there is no mining claim  
5 associated with it. And we were able to request  
6 from -- putting a proposal to the Washington office.  
7 And they gave some directed funding for us to do  
8 restoration work.

9 I'm hoping that once we get through some of  
10 these surveys and we kind of know what we might be  
11 able to do with the cabins and how we might be able,  
12 if we need more funds, to do trail maintenance or site  
13 maintenance or structure maintenance, we can put some  
14 proposals together and see if we can get directed  
15 funding. And we can offset that with contributed --  
16 not funds, I will say, but in-kind work that might be  
17 done by volunteers through the program, I believe.

18 But there is no fee because I know that  
19 folks have offered to use -- have suggested that I  
20 charge for the people to stay at the cabins. If I  
21 have to do that, then I'm going to have to go through  
22 our regulatory process, which is getting back to the  
23 fee program, which means developing a business plan.

24 CHAIRMAN KEMPER: We don't want to do  
25 that.

1 MR. VILLALOBOS: I'd rather not get into  
2 that sort of thing because it might cost more than we  
3 would potentially get in return.

4 CHAIRMAN KEMPER: Mr. McQuiston.

5 MEMBER McQUISTON: Just as a point of  
6 reference, because we do have some new members on the  
7 Council. This is a work in progress, and I appreciate  
8 everything that Hector and BLM is trying to do. And  
9 this right now only is within the Ridgcrest field  
10 office.

11 And the history behind this was that rather  
12 than bulldozing and burning buildings, a group of  
13 citizen volunteers said there ought to be a better  
14 mouse trap in order to try to preserve and also  
15 provide some recreational value for these. So it's  
16 been a real labor of love, and Hector has gone up to  
17 Sacramento several times. I think from my perspective  
18 since I chaired the TRT on this, just a couple of  
19 thoughts.

20 I think it's time to have -- perhaps if we  
21 can have another TRT meeting between now and the next  
22 DAC and then come give an update on that. And there  
23 are different types of cabins. There are some cabins  
24 on private property. There's some cabins that have  
25 been declared to be BLM on BLM property. There are

1 some that's probably still out there and undecided.  
2 But with respect to the BLM cabins on BLM property, we  
3 have two dynamic forces at work.

4 One, now that it's yours, you have risk  
5 mitigation and an inspection team comes out and if it  
6 doesn't meet OSHA standards, it's a safety hazard.  
7 Well, these cabins predate. So, on the one side they  
8 are saying don't use them and don't let the public use  
9 them because you have got some legal risk there. And  
10 it's crazy when you start dealing with some of these  
11 issues.

12 On the other side, in order to allow them  
13 to continue and to look at their cultural and  
14 historical value, working through the SHPO and others,  
15 then how might this be done, what can be done, and  
16 also to what extent if it's a historic site now, might  
17 it exclude it from some of these other administrative  
18 inspections dealing with safety. So we have that. And  
19 we are working through those one at a time.

20 The ultimate goal would be to come up with  
21 a plan, if you will, that will work that involves  
22 citizen volunteers, local government, federal  
23 government, and if it works here, maybe, depending on  
24 the resource and depending on the region, it could  
25 offer at least a template of how it may succeed in

1 other areas.

2 With respect to the fire, I want to say I  
3 read the fire report. I may have only read a synopsis  
4 of it, but I think it was inconclusive as to what the  
5 source of the fire was.

6 MEMBER BETTERLEY: Budweiser fire.

7 MEMBER McQUISTON: Well, I don't know.  
8 But most of these cabins do, either inside or outside,  
9 have some sort of way to heat it. Folks used to heat  
10 up the inside of these cabins. But I think my point  
11 is that the evidence suggests it probably was related  
12 to that, but we don't know.

13 One point, Hector, and one I would like to  
14 sew some thought on, because you mentioned the word  
15 "meeting fire code." I think that's the wrong word.  
16 I think the word is how do we, on these that exist,  
17 promote fire prevention and protection, because the  
18 code you are referring to is county code. And every  
19 time that code changes, we don't ask citizens to go  
20 back and retrofit their residences or businesses. The  
21 fire code has to do with future. And everything that  
22 exists right now that's not in conformance with that  
23 we categorize as legal nonconforming.

24 So I think if there is a way -- I mean,  
25 it's unrealistic to the county that establishes these

1 codes to require existing facilities to go back and  
2 retroactively meet those. But what we do focus on is  
3 fire protection and prevention. And it may be that we  
4 just require a certain amount of fire protection in  
5 these. Now, whether that will fly with SHPO, I don't  
6 know. But it's -- at any rate, little flags go off if  
7 we are trying to make these things meet a county fire  
8 code, because we would not be as prescriptive as a  
9 county to require existing structures to retroactively  
10 go back and meet our code every time that code may  
11 change. So I don't know what flexibility we may have  
12 there, but just kind of sew that thought.

13 The fee structure and those sorts of  
14 things, as this evolves, we may need to look at it.  
15 But we have a lot of citizen volunteers who want to  
16 preserve and promote these resources. And I don't  
17 disagree that we need to change the name from  
18 Adopt-a-Cabin, but I like the word "adopt" because  
19 that's the connection with the public. We want the  
20 public to assume the responsibility and the buy-in to  
21 this. And if it's Friends of or  
22 Adopt-a-Historic-Preservation-Site, so that at least  
23 we are saying you don't own it. There is no ownership  
24 here.

25 But maybe there is a better word, but I

1 like the word "adopt," because it's the community  
2 that's actually been the force behind getting us as  
3 public officials to try to resolve this problem. And  
4 having said all of that, I would just like to thank  
5 you again, because we wouldn't be here today if you  
6 hadn't decided to get on the horse and ride it. And  
7 it's been challenging and a lot of time and a lot of  
8 effort by you and your staff. And I'd just like to  
9 say I appreciate it very much. But where we land on  
10 this is still to be determined. It's a work in  
11 progress.

12 But I think a lot of things have happened  
13 with respect to your archaeologist and with respect to  
14 the money and what your plan is. If we could possibly  
15 convene the TRT one time between now and the next  
16 meeting to get everybody up to the same point and time  
17 and maybe get some more community input based on some  
18 of the things you talked about.

19 MR. VILLALOBOS: That sounds great.  
20 Just so you all know, we do have a new archaeologist  
21 and he started in December. He has some experience  
22 with historic properties, and so that's a plus. We  
23 probably will be working with a contract archaeologist  
24 to review the cabins this year. And that contract  
25 archaeologist has BLM experience. And although he

1 hasn't -- a contract hasn't been finalized yet, I know  
2 the direction it's going to, so I'm pretty happy with  
3 the way things are going in that direction.

4 We will schedule a TRT. I also talked to  
5 our archaeologist who has experience with the site  
6 stewardship program. In fact, he is conducting a site  
7 stewardship workshop, together with the Forest Service  
8 that he came from. And he has offered -- is sharing  
9 that site stewardship program.

10 Training is being offered at Lake Isabella.  
11 I don't know the details, but it's happening in  
12 February 24 and 25. But I requested that he look at a  
13 workshop for the BLM and BLM sites -- not site  
14 stewards, but the BLM cabin stewards that we might  
15 have our own workshop this year also. I know the  
16 workshop that he is conducting right now on the 24th  
17 and 25th costs 25 bucks to get in it. And I'm going  
18 to see if I can find some bucks to cover our  
19 volunteers.

20 MEMBER McQUISTON: I would like to work  
21 with you on that, because if you can't, I would like  
22 the opportunity to pay for any volunteer that would  
23 like to go to that.

24 MR. VILLALOBOS: So we are going to try  
25 to put something on his plate. It's pretty full, but

1 I believe we can do it and get a workshop going for  
2 our cabin volunteers. And by that time we will know a  
3 little bit more about these surveys, hopefully. And  
4 if we don't, we will have other information to share  
5 with you.

6 CHAIRMAN KEMPER: Thank you, Hector.

7 MEMBER SCHILLER: One comment on the  
8 Adopt-a-Cabin or Site Steward Cabin -- Program. It  
9 should be pointed out of the tremendous and diverse  
10 support for this program. I have seen groups who are  
11 at each other's throats sit down together and work  
12 extremely hard together to get this thing going. And  
13 it's provided actually the local activist community a  
14 chance to work together and come to some  
15 understanding. And I think that's very important to  
16 note. I don't know of any opposition to it. It's all  
17 very positive, so far that I have seen.

18 MEMBER McQUISTON: As you recall, you  
19 know, our TRT has been in unanimous agreement on that  
20 and I know Howard is on the TRT. Ron is on it and  
21 Carol and I'm on TRT as DAC members. But we brought  
22 it back to this board, and it was a unanimous vote of  
23 this board. This is something that we have every  
24 stakeholder in agreement on. And that may be one of  
25 the few that I can recall in my number of years on

1 this board, and it's worth pursuing and trying to make  
2 work.

3 MR. VILLALOBOS: Well, I appreciate the  
4 support. I really do, and I think it's a fun program  
5 and just want to --

6 CHAIRMAN KEMPER: It's been a job well  
7 done and we thank you.

8 Any other questions for any of the other  
9 field managers?

10 MEMBER SCHILLER: I just have one for  
11 Roxie, and that's on the last page. I was curious.  
12 You talked about some of the incidents, and I would  
13 was just curious about the one item: Theft of mineral  
14 resources, and what that involved.

15 MS. TROST: It was what we talked about  
16 on the first day, one, with regard to mineral  
17 trespass.

18 CHAIRMAN KEMPER: Roxie, I think you are  
19 going to have to stand up and stand little closer to  
20 the reporter.

21 MS. TROST: It was in my presentation on  
22 Thursday, and it was with regard to the mineral  
23 trespass issues. Sometimes people are working outside  
24 of their permitted area.

25 MEMBER SCHILLER: Okay. I understand.

1 I understood the vegetative people going out and  
2 collecting, but the mineral, I was a little puzzled  
3 and now I understand.

4 CHAIRMAN KEMPER: Any other questions  
5 for any of the area managers?

6 Larry Morgan is not here, but I want to go  
7 ahead and make a couple of comments in regards to  
8 Needles and in particular, a development that's been  
9 considered on the Horsethief allotment to promote day  
10 use and camping.

11 There has been some discussion about  
12 establishing some areas with picnic tables and fire  
13 rings and also toilet facilities. And I can tell you  
14 that the -- as the steward of that allotment and  
15 looking at what I looked at yesterday, if it's going  
16 to promote several acres of ground disturbance around  
17 those picnic-tabled areas, I have a hard time  
18 supporting it.

19 We have lots and lots of campers. We are  
20 kind of long ways out there. We spend a lot of time  
21 in trying to meet those people and let them know that  
22 there is a cattle operation going on and kind of the  
23 do's and don'ts. I think those things can be worked  
24 through. I think the potties are a good idea. I have  
25 concerns about lots of ground disturbance on the

1 allotment. Those areas of ground disturbance usually  
2 become, because we are so heavily populated with plant  
3 growth in our allotment, those areas that tend to have  
4 lots of disturbance sometimes attract cattle for  
5 wallowing areas and that sort of thing. So I think we  
6 are attracting cattle and people to the same place  
7 because of the ground disturbance, and that gives me a  
8 little concern, though I'm sure that there can be  
9 something worked out.

10 We enjoy having the public on the allotment  
11 and have always been able to work with them. If  
12 information is going to be put out to attract people  
13 to the allotment, I would like it to be a cooperative  
14 arrangement where there is some education given to  
15 letting them know they are on an allotment and the  
16 do's and don'ts in how not to get yourself in trouble  
17 with cattle. For the most part, cattle are very easy  
18 to get along with. But, you know, a mother cow with a  
19 brand new calf that somebody wants to touch or hold is  
20 maybe not the best idea.

21 So there are some potential conflicts, and  
22 I think we can get by them with some good education.  
23 And if we are going to put out material that attracts  
24 people to that area, I believe that it should include  
25 information about where they are at, what's going on,

1 and what you should do and don't do. And I will put  
2 that on the record.

3 Anything else for any of the area managers?

4 We have an update on the Meccacopia Special  
5 Resources Management Area.

6 MS. ACHESON: As I remember on Thursday,  
7 I talked about the Palm Springs-South Coast field  
8 office needing some help from the DAC on our  
9 Meccacopia Special Management Area. And we invited  
10 Mona Daniels and John Kalish. For those of you who  
11 probably know John in another capacity, he is now the  
12 associate field manager for our office. He has  
13 replaced Elena Vasquez, who we are missing terribly,  
14 but who moved on to greater things on the board. And  
15 you may have known Elena.

16 So they are going to do a presentation for  
17 you and tell you what our needs are and introduce you  
18 to the Meccacopia Special Recreation Management area.

19 MR. KALISH: We all told Elena that she  
20 is welcome to come back at any time and occupy her old  
21 job. But so far she hasn't taken us up on that offer.  
22 She sure was great to work with.

23 Again, my name is John Kalish, and as Gail  
24 mentioned, Mona Daniels is an outdoor recreation  
25 planner on our recreation staff. Mona came to us

1 about 12 years ago as a student, actually previous to  
2 that as a volunteer and then a student. She was  
3 working through a degree program, and we were able to  
4 bring her on as a permanent full-time recreation  
5 planner a couple of years ago. And Mona has  
6 definitely provided us with a lot of knowledge and  
7 expertise in the whole recreation program within our  
8 area.

9 This program that I think Gail has briefed  
10 you a little bit about is one that we are very excited  
11 to really get up and running. It's a project that we  
12 have talked about for more than a couple of years. We  
13 have been pulling all the pieces together to initiate  
14 this overall planning and management effort. And we  
15 would like to take a few minutes and brief the Council  
16 on the Meccacopia planning effort and what its  
17 ramifications would be, and then ask for your  
18 assistance as we move forward in the overall planning  
19 effort.

20 So with that, I will turn it over to Mona.  
21 Mona has prepared quite a good Power Point  
22 presentation on the project. We will run through that  
23 and see if you have any questions.

24 MS. DANIELS: As John said, I started  
25 approximately 12 years ago. I started as a volunteer

1 with the Bureau as a biological monitor. Then I came  
2 on board as a student, and I was 100 percent funded by  
3 OHV funds. So I spent a lot of time out in the desert  
4 running the trails, doing OHV monitoring, learning the  
5 desert resources pretty good.

6 The Meccacopia Special Recreation  
7 Management Area, you will probably hear me call it  
8 SRMA, S-R-M-A, is a rather unique area. It's very  
9 scenic, very picturesque. Tom, will you --

10 The Special Recreation area boundaries  
11 are -- start here on the west side. It encompasses  
12 both the Mecca Hills Wilderness Area, the Orocopia  
13 Mountain Wilderness and multiple use lands around  
14 this. Now, right now presently, the southern boundary  
15 runs along the canal, and the eastern boundary comes  
16 down through Red Canyon Jeep Trail, which is  
17 approximately right here.

18 Being that those boundaries are there, they  
19 don't really encompass our visitation use. And so we  
20 are probably going to amend this plan to push the  
21 boundary out to Gasline, which really runs about here.  
22 And that way it will take in both the access points  
23 that most of our visitors come to us, and where they  
24 actually camp, as well.

25 The area has phenomenal resources. It's

1 very scenic. It offers views of the Salton Sea, high  
2 point distances clear out to the Colorado River. We  
3 have a high density of Desert Tortoises in the area.  
4 We have Peninsula Big Horn Sheep that wander across  
5 the two different ranges. Again, as I mentioned, we  
6 have two different wildernesses. This thing forms  
7 almost like a figure 8 style.

8 We have got one paved corridor through the  
9 Mecca Hills. We have two 4-by-4 corridors that go  
10 through the -- one on the edge of the Mecca Hills and  
11 Orocopia Mountains, which is how the combined names  
12 came together. And the other one is the Red Canyon  
13 Jeep Trail.

14 Cultural resources: A lot of this area was  
15 heavily utilized just recently with George Patton's  
16 movement in the desert. It was a Camp Young Military  
17 Center. And a lot of tank tracks, lot of military  
18 history still on-site. We have -- it's very much  
19 valued by the Native Americans for its village sites  
20 that were located in the lower Meccacopia areas. We  
21 have also got quite a number of trail systems that go  
22 through.

23 Some of the major management issues that we  
24 have is that it was once utilized heavily by different  
25 recreation forms. They kind of migrated away from our

1 area, but they have been found again and they have  
2 been found in large numbers. Approximately five years  
3 ago on a Thanksgiving weekend I would encounter 250  
4 people and contact each one of them. It doubled, went  
5 to almost 500, 530. Next year it was up around a  
6 thousand. The following year I got a count of 1300,  
7 and it has been staying right around 1300, 1400 people  
8 in the area for the last couple years.

9 It's close to the Coachella Valley, so the  
10 200,000 people we have in our community also utilize  
11 it as a destination point for camping, for hiking,  
12 4-by-4 use. It's also becoming an easy access point  
13 and a jump-off spot for Glamis. A lot of the people  
14 have decided they are not going to make the trip down  
15 there this weekend or the highway is looking too busy,  
16 so we are not going to go all the way. And so we will  
17 stop and go to Mecca Hills. So we are seeing an  
18 increase in OHV activity.

19 We do have a problem with the increased use  
20 bringing about the play areas, open area activities.  
21 We are going to try to -- we are really heavily into  
22 getting our signing up and keeping our routes strong  
23 so they recognize that it is a route area and not an  
24 open area.

25 We have had entry into our wilderness areas

1 up into -- many of our cherry stems going up into the  
2 wilderness lead to guzzlers, so we have impacts up in  
3 the wilderness up near animal guzzlers. So we are  
4 having a significant amount of resource damage that we  
5 have to be aware of.

6 When the Meccacopia was decided in the 2002  
7 Coachella Valley Plan Amendment, the different aspects  
8 that were emphasized were minimizing vehicle intrusion  
9 into wilderness, enhancing the quality of motorized  
10 recreation, facilitating camping, implementing a  
11 network of vehicle routes, provide recreation  
12 information, protect environmental values, construct  
13 and maintain water sources for wildlife, and address  
14 other concerns through public scoping.

15 We have a great opportunity here to develop  
16 a unique plan and implement a rather new strategy  
17 toward multiple recreation use. The area doesn't tend  
18 to lend itself toward typical desert use, but we do  
19 have the typical desert use going on. We want to  
20 address this and possibly emphasize some of the  
21 greater things out there that all users see, our  
22 hikers, our horseback riders, our OHV.

23 What we have, this is typical Thanksgiving  
24 groups that we have down around the Drop 31, which is  
25 on the lower side, the south side of your map. I

1 think I have given all of you up at the front maps and  
2 a copy. This is just north of your Salton Sea on your  
3 map. It is a drop zone. This last Thanksgiving  
4 weekend we had -- this is only about a mile and a half  
5 in distance. It's a wide wash. And we had about 650  
6 units parked in there over the holiday. It's become  
7 very difficult to access because of work that's going  
8 on along the canal. But we were very, very busy.

9 They typically come to run our loop  
10 systems. We have a very successful loop. We have a  
11 75-mile loop, couple of 35's, couple of 10's and 15's.  
12 These are just a few examples of destination points  
13 they go to. This is called Great Caves. It's not  
14 really a cave. It's a large hollowed walkout, but  
15 it's one of the areas they like to visit. They will  
16 go walking. They will very often leave bikes and go  
17 back and hike up in the wilderness.

18 Adopt-a-Cabin program. Adopt-a-Trail  
19 program. These are a couple cabins. This is out on  
20 Amy's Wash Loop. And typically they like to come up  
21 to this one. Hunters will use this one. The other  
22 one, access is a little bit more difficult to get to,  
23 but when they are here, they will hike out to the  
24 second one.

25 We have Desert Side Tracks, which have

1 adopted Red Canyon Jeep Trail, have now adopted Amy's  
2 Wash. And they are monitoring these few sites for us.

3 History: Well, the SRMA is right next to  
4 the Chocolate Mountain Range. One of the interesting  
5 air pieces that they occasionally get dragged out of  
6 the mountains, but they become destination points.  
7 Everybody knows something has been dragged out, so it  
8 attracts visitation. This one received quite a bit of  
9 it while it sat out there. The one on the top, that  
10 is only approximately about a mile off of I-10.  
11 Unique formations. Very hard to come by within the  
12 Meccacopia. It has a stronger trail system than it  
13 has art forms, so this is one of our unique items out  
14 there.

15 We are trying to improve our wilderness  
16 experience. This is down in the Mecca Hills, Painted  
17 Canyon, Ladder Canyon area. It has high foot traffic  
18 visitation. Typically about 110,000 people visit this  
19 trail system every year. Another trail system they  
20 like to go into is the Grottos. This is on the  
21 eastern side of Box Canyon. It's a great place to  
22 come in. But as you can see down in here, we have  
23 some vehicle intrusion going on. We have got to come  
24 up with ways of protecting the water sources that are  
25 inside.



1 Providing public information: Well, this  
2 was one of our kiosk boards. It's been riddled quite  
3 a few times with bullet shells. Eventually it got run  
4 over and destroyed. So this is one of the things that  
5 we also need to facilitate, our signage system.

6 One of the things we are getting kind of  
7 proud of is our multilanguage use out in the area.  
8 It's working 100 percent most of the times.

9 This was a load of trash that was hauled  
10 out two Thanksgivings ago after a holiday weekend  
11 where somebody thought it wasn't Christmas. They  
12 didn't have their trees to burn, so they brought their  
13 garbage out instead.

14 Kind of proud of this group here. This is  
15 Hotel California. It's located on the north side of  
16 the Meccacopias. It was -- it's been out there since  
17 probably we figure about 1950, maybe sooner. It may  
18 have been a hangout for the troops, George Patton's  
19 guys on the weekends. It was totally built up at one  
20 time and had a palm frond rope across the top. The  
21 area was burned down, destroyed and rebuilt. This is  
22 not sitting on BLM lands. It's a high visitation area  
23 that the only way to get to is to access across BLM's  
24 lands. This group of people comes out every  
25 Thanksgiving, 65 people strong in their camp units,

1 acquire a number of easements across private land.  
2 This is one of our largest roads which is not passable  
3 now by four-wheel vehicles unless highly skilled.  
4 It's used mostly by quads and motorcycles, but it has  
5 shut down about a 12-mile distance of route. We have  
6 other roads that have impact, as well. But not quite  
7 to this degree. So we are looking forward to  
8 acquiring lands.

9 We also have a strong volunteer program.  
10 We accomplished about \$600,000 worth of labor time  
11 saved last year in the hours the volunteers provided.  
12 One of the beneficial points of our volunteer program  
13 is that they have developed their own training process  
14 for the docents and volunteers. This is up at Big  
15 Morongo, and they are coming forward and going to be  
16 doing OHV training for our volunteer groups down on  
17 the desert floor. They plan on being in our office  
18 four times a year so that our OHV volunteers can also  
19 get the environmental training in order to care and  
20 maintain their areas.

21 But because of the large groups of people  
22 that we are now attracting, we are finding that there  
23 is a lot more contact that the outdoor rec planners,  
24 geologists, lands people have to do on the ground on  
25 busy holiday weekends. Because of this, we have now

1 and reported one of our best rave law enforcement  
2 incidents that we have.

3 This is part of Box Canyon which is off the  
4 paved road that goes to the two wilderness areas. We  
5 regularly have strong visitation out there. It is a  
6 rather special area for the community. They come out  
7 there, and we will have large family units of about 40  
8 people at a time on most weekends. The local people  
9 understand the importance of the canyon, and they tend  
10 to bring in their Port-a-Potties and drag it out  
11 themselves and very often they may save us doing this,  
12 but we all pick up trash afterwards.

13 CHAIRMAN KEMPER: You get what?

14 MS. DANIELS: Trash.

15 This is up along Red Canyon Jeep Trail.  
16 This was a route that was going into wilderness. And  
17 a couple of young kids here decided they were going to  
18 come in and do a project. There are about 25  
19 industrial-sized garage doors right here in the  
20 wilderness. They hiked in, removed them. In the  
21 process, this road loops around and comes around like  
22 this. They restored the road for us, as well. So  
23 this was the "before" and "after" of their project in  
24 removing industrial garage doors from the wilderness.

25 In this process, we would like to also

1 had to typically change our type of approach with the  
2 public. And we are making regular contacts on  
3 weekends. We are going to be implementing a campfire  
4 program. Our archaeologists, geologists and  
5 biologists are all looking forward to this.

6 Holiday recreation patrols: Thanksgiving,  
7 1200, 1300, 1400 people. We are doing head counts on  
8 most of the busy holiday weekends, Easter,  
9 Thanksgiving. Christmas is kind of slow for us.  
10 Presidents' Day will be one of our last big ones.

11 This is off Box Canyon up in the Mecca  
12 Hills Wilderness. This is a front country wilderness  
13 area. There are three different zones for wilderness:  
14 Primitive, back country, front country. This is  
15 definitely an urban front country wilderness. This is  
16 Easter weekend. We get approximately 4,000 people  
17 within a five-mile space in an area no wider than a  
18 quarter mile, smaller. They come in. They celebrate  
19 Easter. We have Easter egg hunts. We have pink,  
20 yellow, green confetti everywhere. Tug-of-war  
21 contests, volleyball games, over-the-line tournaments.  
22 It's absolutely one of the most delightful events you  
23 will ever see. We have families that come in that we  
24 have five generations of family present.

25 We are also very -- we know that we have a



1 number of sensitive issues that we have to also  
2 approach. One of them is we have the Mecca aster,  
3 which grows along many of the washes in the Mecca  
4 hills. It's a listed species of concern. We  
5 presently have a grant that will address the  
6 protection of it along those washes, and we hope to  
7 have both our OHV and Sierra Club working together on  
8 this grant for the protection of the Mecca aster. We  
9 also have the Desert Tortoise out in the Orocopia  
10 area. And Desert Tarantulas, huge migrations of them  
11 out there.

12 Monitoring: We plan to do long-term  
13 monitoring of visitors, OHV monitoring of the routes,  
14 trying to determine the impact that we are seeing from  
15 OHV use along the roads and routes. We are going to  
16 be hopefully implementing a route maintenance  
17 schedule, as well as presently having restoration of  
18 roads and old trails, as well. We will be utilizing  
19 funds shortly for a soils survey. And just recently  
20 received word that we also have the Washington Visitor  
21 Use Survey coming in within a couple of weeks.

22 This plan that we are about to start  
23 working on here is kind of complex, because it's not  
24 just one activity level plan. It actually happens to  
25 be four. We will be doing the Special Recreation

1 Management Area Plan. That's the activity. We are  
2 going to be implementing the Mecca Hills Wilderness  
3 Plan, Orocopia Mountains Wilderness Plan, and as well  
4 as getting a lot stronger on our Designated Routes of  
5 Travel Plan. All four of these are going to be  
6 wrapped into one. This is why it's going to be quite  
7 an interesting plan to develop because we have to be  
8 sensitive of all of these concerns within one.

9 We are receiving funding. Well, we were  
10 almost successful with our funding this year. This  
11 one is not there. And we are probably -- I think it's  
12 \$651,000 that we will receive in order to start  
13 working on the OHV side of our education program, our  
14 restoration, and our law enforcement.

15 We are hoping --

16 CHAIRMAN KEMPER: I'm sorry, could you  
17 go back to the previous slide?

18 MS. DANIELS: Sure. This is our  
19 visitation funding. We received it last year. This  
20 is going to help us with placing traffic counters in  
21 the ground, GPS-ing routes, more or less destination  
22 points on our routes. We have our routes pretty well  
23 substantial, but this is going to be where our  
24 visitors are coming and why they are coming to these  
25 particular routes.

1 Our education program: We have \$13,750.  
2 This will support the volunteers from Big Morongo  
3 coming forward with OHV training that we will do  
4 through the office. We did not receive our trail  
5 maintenance dollars. We received the restoration  
6 funding. We also received our -- 50 percent of our  
7 law enforcement funding.

8 CHAIRMAN KEMPER: The restoration  
9 funding seemed like a large number. Can you explain  
10 that a little bit?

11 MS. DANIELS: This one actually is -- in  
12 the past years, this funding has gone toward the  
13 Meccacopia. We are already ahead on that. This  
14 funding is going to be split between two other areas  
15 that are being hit with OHV, one within the Coachella  
16 Valley, Coachella Valley Preserve. Another area at  
17 Big Morongo has an area called Blind Canyon. It's a  
18 neighboring area just behind Desert Hot Springs.

19 MEMBER BETTERLEY: That's pretty close  
20 to the national park.

21 MS. DANIELS: Right in the national  
22 park.

23 MEMBER DENNER: Ron, sort of in answer  
24 to your question, the distribution of funds from the  
25 Commission that you see here is pretty typical.

1 Couple of comments.

2 One is the current Commission that decides  
3 on how these funds will be distributed defines  
4 "restoration" as "closure of trails forever after,"  
5 not reviving trails so they can become restored and  
6 eventually maybe put back into use. Their definition  
7 of restoration means absolute and complete closure  
8 forever.

9 Secondly, you don't see anything on there  
10 that says improving recreation opportunities on the  
11 ground. You never do. This is typical of how funds  
12 are distributed by the current OHMVR Commission.  
13 That's why there is the uproar taking place now and  
14 that's exactly why we filed the lawsuit against the  
15 use of our trust fund money.

16 MEMBER BETTERLEY: Isn't that kind of  
17 like managing by closure?

18 MEMBER DENNER: Oh, absolutely. There  
19 is never -- you never see a distribution of funds from  
20 the OHMVR that says they are going to mitigate the  
21 impact of closing a lot of trails. It's management by  
22 closures, clear and straightforward.

23 MEMBER TOM DAVIS: Mona, of that amount  
24 of money you just mentioned, is any of that going  
25 towards the problem they have in Cathedral City with

1 the off-road vehicle trespassing?

2 MS. DANIELS: A little bit. Only in the  
3 degree that behind Cathedral City is the Coachella  
4 Valley Preserve, and a lot of the spillover that's  
5 coming from right down there off the I-10 off the  
6 Cathedral City area is spilling over the preserve and  
7 this will help us with our boundaries along the  
8 preserve.

9 MEMBER SMITH: Mona, this has been an  
10 excellent presentation. That restoration in the area  
11 of the Morongo Preserve, does that cover the area from  
12 Kickapoo Trail down into Desert Hot Springs?

13 MS. DANIELS: That was last year's  
14 funding out of the state office. This is going to  
15 cover the area -- if you were to go up Date Palm clear  
16 to the very end up in Desert Hot Springs, there is an  
17 area -- the only way I can explain it is it's on the  
18 valley floor, but it's a stadium-like area. It's a  
19 very large stadium-shaped area. It's just east of  
20 Little Morongo Canyon Road.

21 And what typically happens is that people  
22 go up over this hillside, drop down into the stadium,  
23 and then there is -- the stadium is very -- the only  
24 way to explain it, it has a small, very delicate  
25 canyon, called Blind Canyon. And that canyon is being

1 heavily impacted when they use the stadium area. The  
2 stadium area was a quarry site area for the aqueduct  
3 when it went through. So work is going to be done to  
4 stop these trails that are popping up over the top as  
5 well as to rescue this delicate trail or canyon off to  
6 the side.

7 MEMBER SMITH: To the people that live  
8 over there or have businesses over there, that's long  
9 overdue and very welcome to see because that whole  
10 area has been massacred is the way we look at it.  
11 There are also historic structures and sites up there  
12 from early mining days.

13 MS. DANIELS: I think that one of the  
14 heaviest things that's going to be done, I know they  
15 are already starting to look at that area right now  
16 for any of the archaeological -- just that one defined  
17 center.

18 MEMBER SMITH: This presentation sort of  
19 mixes up two different things. One is the Mecca Hills  
20 Project in Morongo. But going to the -- whatever you  
21 call it -- "MeccaOrocopia" --

22 MS. DANIELS: Meccacopia.

23 MEMBER SMITH: Okay. I'll get there.  
24 Has there been -- a well-developed archaeological  
25 survey been done of that area? That's one of the most

1 important Indian trail systems south of the Mojave  
2 Trail.

3 MS. DANIELS: There is a beautiful trail  
4 system that we know about that comes off of the  
5 Meccacopia Trail across the bottom of that and then up  
6 into the Orocopia Canyon area. There is a beautiful  
7 defined trail system in there that they know about.  
8 The Bradshaw Trail also plays a major role along the  
9 south side. They have been doing quite a bit of  
10 archeological study, and I know that there is a need  
11 to do more.

12 MEMBER SMITH: Because the Romero  
13 Expedition came in on the north side of this in 1824.  
14 So I would hope that part of this planning really  
15 involves Native Americans and historians who can look  
16 at these important cultural values.

17 MS. DANIELS: I hope it does include. I  
18 hope we do have good representatives from the Native  
19 American tribes.

20 CHAIRMAN KEMPER: Just a comment I will  
21 share with you.

22 Oh, in the last three or four weeks, I was  
23 involved in a planning session in Clark County,  
24 Nevada, and I looked at a similar chart. But the  
25 large figure in Clark County was for actual

1 establishment of future recreational opportunities  
2 from the off-road community. They recognized that  
3 there was a problem with off-road vehicles in certain  
4 areas. And that they had taken certain areas away.  
5 They have been given a grant for \$300,000 a year, per  
6 year, to establish new off-road recreation  
7 opportunities.

8 And I can see if I was an off-roader where  
9 I would be concerned if my Green Sticker money was  
10 only being used or a majority was being used to close  
11 opportunities rather than open opportunities. And I  
12 think it has to be done in a way that it doesn't  
13 negatively affect the entire resource.

14 So we are seeing the agencies' mandate of  
15 multiple use. There are some uses that just aren't  
16 conducive to -- for example, having hikers, bikers,  
17 horseback riders, motorcycle riders, off-road vehicles  
18 and that sort of thing all happening in the same place  
19 at the same time. Find room for everybody.

20 MS. DANIELS: The map in front of you --  
21 I will go back to that. Just about where the three  
22 highway markers come together, if you look just north  
23 of that, Salton Sea, you have three highway markers.  
24 And just north of that you have got the Painted Canyon  
25 area. We do recognize that there is a large amount of

1 backpacking, horse tracking, just visitor use. That  
2 area has become almost a tourist attraction for the  
3 Coachella Valley. And people will drive up there and  
4 just spend an afternoon just sitting and listening to  
5 the bird sounds.

6 So we know that this is almost -- you could  
7 draw a line right through this special recreation area  
8 and know where your non-OHV uses are occurring. One  
9 of the things that we found really interesting two  
10 Thanksgivings ago, we were out monitoring and we did  
11 our head counts and we were on that last day of slow-  
12 down when we thought we had every number on the books.  
13 And we got out to Painted Canyon, a number of students  
14 and myself. And we decided we were going to walk the  
15 Ladder Canyon. And we got up there and we found I  
16 want to say close to 15 vehicles of people that  
17 recognized us from being in their camp. And they had  
18 all their bikes all shut down, locked down, and they  
19 were hiking the canyon.

20 Of course, we didn't recognize them because  
21 they were on foot. We were used to seeing them with  
22 the motorcycle helmets on and who is riding what  
23 machine. And here was this large group up the canyon  
24 hiking, and they recognized us.

25 So what became really familiar here was

1 most of the time you are sitting there thinking OHV  
2 centers to the OHV users; hiking centers to the  
3 hikers. But what we had was a group of OHV people  
4 that had walked probably five miles in from where they  
5 left their vehicles.

6 So there was a use going on here that was a  
7 blending. And to us, that was a really good thing to  
8 see and to make note of. And that they also  
9 recognized that this is the area that they are going  
10 to come to to go take that walk, to go enjoy the  
11 scenery. So we are already starting down that avenue  
12 of knowing where our use, what types of uses are  
13 occurring throughout the SRMA. And hopefully, we can  
14 even identify this a little stronger.

15 CHAIRMAN KEMPER: Thank you.

16 MS. DANIELS: I only had one more slide,  
17 I think, and that was to thank you guys for having me  
18 here. That we also -- our office would love it if the  
19 DAC could probably pull a TRT together for us and  
20 assist us with the development of this. And it's  
21 really -- I think we just talked about all the things  
22 I was going to say on this. So again, thank you very  
23 much. I'm glad you --

24 CHAIRMAN KEMPER: Thank you.  
25 (Applause from the audience.)

1 CHAIRMAN KEMPER: When you say you need  
2 assistance from the DAC or TRT, are you talking about  
3 land planning issues, signing issues? We already have  
4 a couple TRT's in place.

5 MS. DANIELS: We are going to be dealing  
6 a lot with not only our designated routes of travel,  
7 but the need to find redirection. How we were going  
8 to deal with the public. How we are going to write  
9 this into a plan. And I think our need is to have you  
10 come in as that public unit to give us your opinion of  
11 what -- we think we are on track doing, but not quite  
12 sure.

13 MR. KALISH: Just to add to that, there  
14 are some real complexities tied in with this overall  
15 project. What you probably got from this slide show  
16 is the Meccacopia area does have a very sizable  
17 critical Desert Tortoise Habitat Area. It's part of  
18 the Wildlife Management Area designated under the NECO  
19 Plan. Our being able to manage that critical Desert  
20 Tortoise habitat, as well as the two sizable  
21 wilderness areas that were designated back in '94,  
22 given the overall context of having a very rapidly  
23 increase in overall visitor use, kind of a wide  
24 spectrum of visitor uses, as Mona has talked about,  
25 and then you add to that -- it's an area that's very

1 easily accessible by people coming out of the very  
2 large metropolitan area, L.A. Basin, Inland Empire;  
3 right off of I-10, very easy to get to.

4 And then we have in the Coachella Valley,  
5 right now the population is about half a million  
6 people live in Coachella Valley. It's rapidly  
7 increasing. And as is evidenced by some of our  
8 planning efforts dealing with our national monuments,  
9 the people moving into the valley are really looking  
10 at all of the amenities that Coachella Valley has to  
11 offer, one of which is the fact that all around the  
12 perimeter of the valley is Joshua Tree National Park  
13 to the north, Santa Rosa-San Jacinto Mountains  
14 National Monument to the south. And then you look  
15 directly to the east are these incredible hills and  
16 this is just an incredible recreation resource.

17 And people are wanting to find out what the  
18 opportunities are and how that they, as residents very  
19 close to this particular area, can start to get up  
20 there and really enjoy the experiences that it has to  
21 offer. So on the one side, it's a very -- area that  
22 has some real environmental constraints and some real  
23 issues regarding our need to protect critical Desert  
24 Tortoise habitat, all the wildlife values, extensive  
25 desert dry wash, woodlands, Big Horn Sheep. The list

1 is very long, as well as the two wilderness areas.  
2 And in doing so, trying to meet the needs of the  
3 demand from those people that would like to use that  
4 area.

5 We really feel that we are on the -- kind  
6 of the early side of the overall challenges. We are  
7 still a little bit ahead of the curve, unlike some of  
8 the other areas throughout the California Desert  
9 Conservation area, where BLM was really put in more of  
10 a reactive mode, trying to react to issues and kind of  
11 bring things back under a level of management  
12 consistent with what the resource needs are.

13 The Meccacopia area is one that, as Mona  
14 said, it's recently being essentially refound. We  
15 have really an excellent opportunity right now to get  
16 in on the early stages, implement this plan, deal with  
17 the conflicting uses, develop a good, very usable and  
18 very workable overall planning effort that we can  
19 implement. And to any degree that the Advisory  
20 Council can assist us in doing that, we certainly  
21 would appreciate that.

22 MEMBER BETTERLEY: Mr. Chairman, I think  
23 we saw yesterday one of our stops where I guess we  
24 interrupted some meditation that was going on, people  
25 just looking over the desert.

1 CHAIRMAN KEMPER: Thank you, Bill.  
2 MEMBER SMITH: When you get into really  
3 sensitive cultural sites like this, do you interface  
4 with the Pack Rat Committee of the Desert Managers  
5 Group at all, which is their archaeology subcommittee?

6 MR. KALISH: We haven't yet. And we are  
7 still in the early scoping part of this overall  
8 planning effort. And these are the -- this is the  
9 kind of input that we really need. We are really just  
10 looking for assistance in pulling the overall planning  
11 effort together and saw some value potentially, if the  
12 Advisory Council saw fit, to pull together a team or  
13 at least as an overall group point us in a few  
14 directions that we may not have thought about.

15 CHAIRMAN KEMPER: Mr. Brown.

16 MEMBER BROWN: I had a question. You  
17 mentioned the tortoise habitat, critical habitat. Is  
18 that shown on the map here?

19 MS. DANIELS: This area of bright yellow  
20 here. It's now the DWMA, and it does -- the boundary  
21 lines on this map are a little bit off.

22 MR. KALISH: The actual Desert Wildlife  
23 Management Area designated under the NECO Plan really  
24 extends all the way up to Cactus City where the  
25 highway rest stop is. And that is all -- under the

1 NECO Plan is all critical Desert Tortoise habitat.  
2 And then there is habitat down on the lower -- the toe  
3 of the slope of the Mecca Hills. In fact, you go out  
4 Thermal Road where the gravel pits are. That Thermal  
5 Canyon is a wildlife corridor and is definitely  
6 occupied by -- or we know it's occupied by tortoise,  
7 burros, within that area. So really, throughout the  
8 entire -- except once you get up into the higher  
9 elevations -- throughout the entire area, it's Desert  
10 Tortoise habitat, the bulk of which is critical,  
11 designated critical habitat.

12 CHAIRMAN KEMPER: Mr. Schiller.

13 MEMBER SCHILLER: I just wanted to point  
14 out, as you can probably expect, I think there is a  
15 great amount of mineral and gem opportunities there.  
16 I just looked through Howard's book. I hadn't seen  
17 the new book. It's quite impressive. I have all the  
18 old books, but I hope that will be considered.

19 And I promise I will start pressing on the  
20 California Mineralogical Society and local gem and  
21 mineral clubs to start getting more involved. Most of  
22 the time I think they think, well, if we keep our head  
23 low they won't see us. And unfortunately, they don't  
24 realize they lose their access by not participating in  
25 the process. So I will commit to that too.

1 MEMBER BROWN: The Chemehuevi Valley,  
2 what is the status of that relative to this area and  
3 the kind of use that it gets relative to this area?

4 MS. DANIELS: Chemehuevi starts -- our  
5 amendment would be -- you have got it on the maps in  
6 front of you. This is summit here, this angled road.  
7 Here you see just to the east of it, you are going to  
8 see almost like a straight cut road right here on the  
9 maps in front of you. Chemehuevi starts right about  
10 here, just on the edge. And I imagine we will touch  
11 on it vaguely, but there is not going to be that much  
12 inside the boundaries. And right now there is none  
13 inside the boundaries we have presently.

14 MEMBER BROWN: I guess what I meant was  
15 saying "this area," you are having really heavy  
16 visitor use, yet it's for the most part Tortoise  
17 Critical Habitat, wilderness, ACEC's, National Park,  
18 et cetera, where you have really restricted kinds of  
19 uses. And that's why I'm wondering the adjacent  
20 areas, are they going to get heavier and heavier use  
21 until you have to start restricting the use of those  
22 areas, at the same time greater and greater demand for  
23 use with fewer and fewer opportunities for use.

24 MS. DANIELS: One of my personal goals,  
25 and I hope that this is -- we are kind of aiming this

1 way on some of the things we are addressing in the  
2 office, too, is we've got an area right here at the  
3 corner of Summit Road which is heavily impacted. And  
4 between Gasline and Summit, we have a lot of  
5 concentration of individual camp sites, one-party camp  
6 sites. So we are seeing impact out in an area we  
7 would like to see it reduced.

8 And by coming up with a strong -- and  
9 again, this is another reason why we would like to  
10 amend this to include the Gasline as our boundary  
11 because we can address the uses within this zone over  
12 here. And we would like to redirect those camp sites.  
13 We don't know how we are going to do it yet, but we  
14 would like to focus the users into areas that are a  
15 little bit more environmentally stable instead of out  
16 on the summit in the areas where the tortoise, they  
17 depend on that vegetation a lot more than down in some  
18 of the sandier washes. So we have to address that  
19 one. We know that's a problem.

20 MEMBER BROWN: I said Chemehuevi. I  
21 should have said Chuckwalla. There are a lot of roads  
22 in there.

23 MS. DANIELS: A lot of this flows this  
24 way between these two routes in here. We have a lot  
25 of surface flow that's going to the south in here.

1 And because of the surface flow, we've got dense  
2 vegetation, real dense tortoise populations, and if we  
3 can redirect those groups, if we can, inside our  
4 activity level plan, address how we are going to move,  
5 redirect --

6 MEMBER BROWN: "Redirect" meaning have  
7 them go somewhere else?

8 MS. DANIELS: We have use areas in here  
9 that are really strong camping. There are no routes,  
10 except for the Bradshaw. So we want to keep those  
11 illegal routes from developing in here.

12 Two years ago we lost a lot of the dikes  
13 that had the Eagle Mountain Railroad on it. So we  
14 have seen a lot of illegal movement up through the  
15 washes that were once kind of a buffer. They are now  
16 wide open. So we have got to get in there and sign  
17 and address that. And hopefully when the railroad is  
18 back up and functioning, that will reduce that effect.

19 But it is one of the things that we do have  
20 to address is the illegal use going in here.

21 MEMBER CHARLTON: I used to go there a  
22 lot in the late seventies and early eighties and did a  
23 lot of camping in Box Canyon and couldn't go there  
24 this year because the moat was washed out. And I  
25 found out a lot about the Mecca Hills Ladder Canyon

1 from the Sierra Club in Riverside.

2 MS. DANIELS: They are out there this  
3 weekend.

4 MEMBER CHARLTON: It's a really neat  
5 area. We have two areas of interest for possible  
6 field trips and one of them is to that area. And the  
7 dunes. So that's just another reason for backing  
8 down.

9 MS. DANIELS: This is another use. It's  
10 hiking. It's how are we coming to -- it's camping and  
11 it still has its impact, so it's something we do have  
12 to address.

13 MEMBER PRESCH: I know it's outside of  
14 your planning area, but what do you see as the long-  
15 term effect of your management of the Meccacopia and  
16 its effect on Horn Springs Campground? Of course,  
17 that's located right in the middle of the wilderness  
18 area and one way in and out. Do you see an increase  
19 in terms of movement to that campground?

20 MS. DANIELS: We are seeing increases  
21 right now to the noncampground camping that's outside  
22 of Corn Springs going up DuPont Road. There is a lot  
23 more camping on the east side of the wilderness. Corn  
24 Springs, those of you that have the maps in front of  
25 you, and Corn Springs is another mountain range down

1 here. Corn Springs comes into a hollow, a center  
2 point inside here. DuPont runs down here against that  
3 side of the hill.

4 What has happened is inside Corn Springs --  
5 it actually has an ACEC around the campground. And  
6 the ACEC is relatively small compared to the fact that  
7 over the last couple of years we have acquired some  
8 lands inside that valley and a lot more than what we  
9 had when they set up that campground. So there could  
10 be a possibility of readdressing the ACEC inside  
11 there. But we -- the visitation in Corn Springs  
12 itself has not substantially increased right now. The  
13 increase is outside the campground.

14 MEMBER WILEY: I lost my map. Thank  
15 you.

16 MEMBER DENNER: Howard, I'd like to  
17 suggest that the answer I heard to your question is  
18 that we need to redirect the OHV people out of the  
19 area, but we don't know where we are going to send  
20 them because there is not a single open riding area in  
21 the entire Coachella Planning Area.

22 MEMBER TOM DAVIS: I can add to that.  
23 That's a real problem because what we have now as a  
24 result is there is a lot of off-road vehicle  
25 trespassing. And the law enforcement is very active

1 in the municipalities, but it's a trickle effect and  
2 we are not addressing the problem properly.

3 MR. KALISH: One of the areas that has  
4 been looked at as a potential open area is that Drop  
5 31 location along the canal. A lot of that land is  
6 private land, and there are some real issues. But  
7 that area is within the Meccacopia planning area and  
8 would be part of this overall planning effort.

9 But this area has just really a fantastic  
10 route network with a number of loop routes in and  
11 around some incredible scenery, some incredible  
12 recreational values. So we really see this area as  
13 really providing, overall, an area, driving onto  
14 routes. Our ability in the long run to be able to  
15 sign those routes and keep people from driving off --  
16 driving up the washes or off of the routes, along with  
17 maintaining those routes through trail grooming and  
18 other maintenance activities. We really see that  
19 overall restoration dollar amount that you saw from  
20 the OHV grant really greatly decreasing over time  
21 through measures or actions that we would implement  
22 through this overall planning effort.

23 CHAIRMAN KEMPER: One of the things --  
24 and I will mention Nevada again. They are actually  
25 taking moneys and buying ground. The money is coming

1 from their OHV community. And even if they don't own  
2 any land which is appropriate today, they are finding  
3 land under private ownership, and they are partnering  
4 and purchasing some of it. So those opportunities  
5 still exist in those individual communities.

6 MS. DANIELS: To go back to the camping  
7 issue a bit. One of the things is we have about five  
8 different very strong camping areas within this zone.  
9 That earlier clip about designated camping zones or  
10 staging areas -- this is Drop 31 down here. This is  
11 where we get about 650 people during busy holiday  
12 weekends. We also have the camp zone. This is where  
13 we have a lot of the back-of-the-vehicle camping going  
14 on. Up here at the corner of Summit we have probably  
15 about 60 acres of land that in the '50s, '60s, the  
16 movie "The Professional," and a couple of other movies  
17 were made out there. And they actually bulldozed this  
18 land 50 years ago. So there is a big bald spot out  
19 here that is used by RV's and different camp units.

20 We also have another heavy camp area right  
21 up here off of Bread Canyon right up here. We have  
22 another one we call Section 24, which is in here.  
23 Another spot which is outside our designation would be  
24 inside here, up right in here. And then we have got a  
25 lot of weekenders when we have special events going

1 down here in the Coachella Valley, because the  
2 Coachella Valley is very limited on campgrounds. So  
3 when we have people that come into the valley and are  
4 looking for some place they can camp overnight, we  
5 typically get our tourist campers out here on Box  
6 Canyon. So this is a heavy campground.

7 Painted Canyon, heavy camp zone for  
8 Scouting events, church groups. That's one of the  
9 heavy zones. So we do have these zones that we know  
10 of where most of our camping occurs. So it would be a  
11 way of -- isolated campgrounds, we have determined,  
12 probably there are some ideal locations versus  
13 nonideal locations for isolated camping.

14 CHAIRMAN KEMPER: One more question  
15 having to do particularly with OHV use. You guys are  
16 both out of the Palm Springs office; is that correct?  
17 Both land planners and you are familiar with the lands  
18 that have been managed and their locations. Just a  
19 ballpark figure would be of interest. Lands that are  
20 difficult for you to manage because of their proximity  
21 to development. In other words, they are close to  
22 development. They don't really have the values that  
23 are what you typically manage. If I can describe it  
24 another way, possibly they are in the middle of a path  
25 of progress near infrastructure and other things.

1 MS. DANIELS: Urban interface.

2 CHAIRMAN KEMPER: That's good. There  
3 you go.

4 How much lands do you have and you think  
5 you manage that would fit that category?

6 MR. KALISH: Well, we recently did a  
7 plan amendment for Coachella Valley that was signed in  
8 December of 2002 that identified Wildlife Management  
9 Areas that really mirror the areas that are being  
10 identified in the Coachella Valley Multiple Species  
11 Habitat Conservation effort that is nearing  
12 completion. But we also identified areas within  
13 Coachella Valley that are in very close proximity to  
14 those areas that are being developed.

15 As potential areas for disposal, we would  
16 over time look at implementing a disposal process  
17 whereby those lands would be disposed of in a manner  
18 that would benefit the overall MSHCP or the Habitat  
19 Conservation Plan that's being developed by the  
20 various jurisdictions in and around the Coachella  
21 Valley.

22 So we have through that recent land use  
23 plan identified lands that do not have the resource  
24 values, such as habitat, wildlife habitat that ties  
25 into the reserves being developed throughout the

1 valley or other values are -- just basically they  
2 would be in the overall public interest for us to  
3 dispose of those lands. Those lands have been  
4 identified.

5 MEMBER BETTERLEY: Do you have the  
6 approximate acreage?

7 CHAIRMAN KEMPER: I was talking about  
8 the whole Palm Springs district.

9 MS. DANIELS: Just an idea, the  
10 Meccacopias is the wilderness considered threat  
11 country. And then all the lands around it fall under  
12 this. And just the Meccacopias is about 130,000  
13 acres. And I would say easily doubled, tripled within  
14 the immediate Palm Springs area.

15 CHAIRMAN KEMPER: What we are saying is  
16 you possibly have as much as 300,000 acres that are  
17 probably within the path of development. And I'm not  
18 saying it would be developed.

19 MS. DANIELS: It's going to be affected  
20 by development. Is that what you are --

21 MR. KALISH: You are asking about lands  
22 that we could potentially dispose of. I would say  
23 within Coachella Valley all the way down to the  
24 Coachella-Imperial County line, less than 5,000 acres.  
25 It would be potentially in the public interest for us

1 to dispose of those, and we have made commitments with  
2 various entities that are developing the local Habitat  
3 Conservation Plan that once the plan is finalized, we  
4 can look at those lands as potential disposal landbase  
5 to dispose of and do so in a manner that would  
6 facilitate the development of reserves and preserves  
7 under the HCP. So either through land exchanges or  
8 potential sales, if we can keep the funds locally.

9 CHAIRMAN KEMPER: Sure. We have lots of  
10 inholdings, checkerboard ownership, that affect how  
11 you manage further-out pieces. And what my thought  
12 process was is if some of the land that you hold is  
13 probably very valuable land in terms of value to land  
14 developers. You can buy a lot of land away from  
15 infrastructure. When you are selling land with 3 or 4  
16 or \$500,000 an acre and you can buy it for \$500 an  
17 acre further out, and it has more of the resource  
18 values.

19 MR. KALISH: To give you a perfect  
20 example, the commitment we have made in the Coachella  
21 Valley for any potential disposal of public lands, the  
22 criteria that we would use is that we would either  
23 dispose of those lands to directly acquire lands  
24 within the preserves and reserves that are being  
25 identified under that Habitat Conservation Plan, or we

1 could dispose of lands and acquire lands in another  
2 area if it would pull conflicting uses out of those  
3 designated reserves and preserves and move those uses  
4 over to the lands that we are acquiring.

5 A perfect example would be the lack of an  
6 open OHV area within Coachella Valley, which is a  
7 large valleywide issue. Potentially under our Land  
8 Use Plan, we identified if we could dispose of some of  
9 the lands up along Dillon Road right north of I-10  
10 which are -- that's in an area that we have identified  
11 as potential disposal, the lands that are available,  
12 then we could acquire, say, lands potentially down in  
13 Drop 31, if that area were to be designated as an open  
14 OHV area, for the purposes of pulling the OHV use out  
15 of the reserves and preserves throughout the valley  
16 and then bringing those down and facilitating that use  
17 down within, for example, Drop 31. So we tried to  
18 build in that scenario within our Land Use Plan  
19 Amendment.

20 CHAIRMAN KEMPER: What I would ask you,  
21 when we talked about some of these issues last  
22 night -- and I'm not going to belabor it -- but  
23 oftentimes we think about our problems, and we don't  
24 think about our assets and how we could build a  
25 vehicle to get to where we really want to go. And you

1 certainly have probably some of the most valuable land  
2 in Southern California. And the vehicle would have to  
3 be changed a little bit, and I realize that  
4 legislatively if you sell land and you take the money,  
5 it goes into the general fund. However, Clark County  
6 has been quite successful in doing something  
7 different. I believe that we have to make some  
8 legislative changes in California. I don't think  
9 that's impossible. I think we can change how we do  
10 business and -- Jerry?

11 MR. HILLIER: Yes, Mr. Chairman. Pardon  
12 me for interjecting myself in this discussion, but it  
13 is your reference to some of the things going on in  
14 Nevada that I think maybe do have relevance.

15 Nevada has always approached land disposal  
16 a little differently than the rest of the BLM states.  
17 But they have, through specific legislation, been  
18 successful in earmarking areas for public land  
19 disposal and then providing for the disposition of  
20 those receipts to pick up critical areas, both for  
21 recreation and wildlife habitat and a variety of other  
22 purposes.

23 And while I think BLM nationally might  
24 discourage that model, maybe it is, given the value of  
25 some of the lands in the Coachella Valley, maybe it's



1 a worthwhile model to look at.

2 I do want to, though, caution. Several  
3 years ago, I was involved with a client who was  
4 looking at some land in the Coachella Valley that they  
5 wanted to buy, exchange, and all. And a number of  
6 those tracts, while they showed BLM surface  
7 management, are under Bureau of Reclamation  
8 withdrawal. So you get another player in the disposal  
9 action, and the BOR would not move to dispose of those  
10 lands without the blessing of the water district. And  
11 you get into water delivery system. And the entire  
12 proposal went basically down the drain because of the  
13 unwillingness of the water district to agree to the  
14 disposal because of the potential that it was going to  
15 cause more draw on the water that's delivered to the  
16 valley.

17 In the course of that discussion, some of  
18 it was very high value agricultural land and some of  
19 it potentially could have been high value real estate  
20 for urban development. There was also migrant camps  
21 on it, garbage disposal on it, and some of it already  
22 had grapes planted on it. And part of the irony I ran  
23 into was that I ran into basically a classic absentee  
24 ownership in that under Reclamation Withdrawal Bill,  
25 BLM surface management and the static nature of the

1 tract, nobody was managing it.

2 I really do think it would be valuable for  
3 BLM to look at the urban interface in the Coachella  
4 Valley and perhaps develop some kind of a plan that  
5 then could be worked cooperatively through  
6 Reclamation, the water district and other players, and  
7 perhaps work with the legislative congressional  
8 delegation to get some kind of legislation: Yes, we  
9 can dispose of those lands, and yes, then that money  
10 can be used to acquire other interests. But it really  
11 has to be done on a planned basis and than on a  
12 partnership basis, recognizing there are a lot more  
13 players there than just BLM.

14 CHAIRMAN KEMPER: Thank you,  
15 Mr. Hillier. Any other comments or questions? Thank  
16 very much.

17 MR. KALISH: Thank you.

18 CHAIRMAN KEMPER: We went a little bit  
19 longer than I think we planned. What time is it? We  
20 are obviously not going to get done by lunch -- before  
21 lunch. Is everybody agreeable to break for lunch for  
22 one hour and coming back?

23 MEMBER McQUISTON: How long will it  
24 take? It's a long drive for some of us.

25 CHAIRMAN KEMPER: I think we will

1 probably have at least a couple hours for council  
2 roundtable, and I think we have TRT reports that  
3 aren't on the agenda but should be done. You want to  
4 go ahead and work through lunch?

5 MEMBER McQUISTON: Whatever.

6 CHAIRMAN KEMPER: I'm fine with that. I  
7 know the court reporter needs at least a break.

8 MEMBER TOM DAVIS: Mr. Chairman, I might  
9 have missed something, but there was an action item on  
10 the agenda, a request for the formation of a TRT. Are  
11 we going to do that now?

12 CHAIRMAN KEMPER: We usually do action  
13 items at the end.

14 MEMBER SMITH: I would prefer to take a  
15 break and then work right through. That's what I  
16 would prefer.

17 CHAIRMAN KEMPER: Fifteen-minute break.  
18 (Brief recess was taken.)

19 CHAIRMAN KEMPER: If everybody will take  
20 their seats, I want to call this meeting back to  
21 order. I have a comment request from Jerry Hillier.  
22 In the hopes of expediting the meeting -- that's the  
23 only comment card we have -- I am going to ask Jerry  
24 to make his comments at this time.

25 MR. HILLIER: Thank you, Mr. Chairman.

1 I'm Jerry Hillier. I've put in the comment  
2 card representing both myself personally and San  
3 Bernardino County. And I was afraid of being the only  
4 thing standing between the Council and lunch. And now  
5 I'm the siesta speaker, so I will try to be very  
6 brief.

7 First off, Steve, I would like to really  
8 extend a formal welcome to you as the California  
9 Desert District manager. It's quite an honor to have  
10 a chance to serve in this job. I think you will find  
11 it challenging and interesting, and certainly, it's  
12 one of the greatest jobs in all of BLM. So welcome to  
13 Southern California. And from our conversation,  
14 welcome home from your birth in Ventura.

15 MR. BORCHARD: Thank you.

16 MR. HILLIER: I certainly stand ready to  
17 help you in any way I can. I don't serve as a member  
18 of the Council, but I work with a number of local  
19 government groups. And if there is anything I can  
20 ever help you with from an historic standpoint or what  
21 the hell was he thinking and respond to that or  
22 provide introductions or anything else --

23 MR. BORCHARD: Thank you.

24 MR. HILLIER: -- I'm certainly willing  
25 to do that and would welcome the opportunity.

1 First off, I wanted to say a word in  
2 support of having the BLM meeting down here in McCain  
3 Valley. The fact of the matter is that since the  
4 Dunes is pending in court, there is very little --  
5 even though it would have drawn a number of people, in  
6 terms of providing input to the BLM, and long-term  
7 planning actions, McCain Valley in that area was  
8 probably more meaningful in terms of being able to  
9 take immediate response.

10 I also know judges can take forever and  
11 can't be compelled to make decisions. I'm involved  
12 with a case -- I believe the arguments closed in  
13 District Court in Salt Lake City in November of '98  
14 and the judge has yet to render a decision on the  
15 case. I think he just hoped that the litigants would  
16 either die or sell out. But at any rate, he never has  
17 issued a decision, so those things can go on forever.

18 The key thing that I wanted to talk about  
19 this morning or this afternoon is monitoring. And I  
20 am becoming increasingly concerned that there isn't a  
21 commitment to adequately do a job of monitoring on the  
22 public lands. And I think if you go back through  
23 comments that I have either submitted directly or have  
24 submitted on behalf of clients over the last decade, I  
25 have generally responded to the comments or the

1 planning language by saying BLM must make a commitment  
2 to monitor and establish base lines and then determine  
3 what is happening with the plan.

4 And the response always comes back, you  
5 know, in the response to comments or protest or  
6 whatever as, trust us. Or we can't make commitments  
7 because we haven't got -- we get appropriated  
8 annually, and we will do the best we can. And there  
9 is always -- it's fluffy. But it never is with a  
10 solid commitment that, boy, we are going to put  
11 \$50,000 a year away right off the top to do this.

12 And because of changes in appropriations  
13 and because of time constraints and because of  
14 litigation and I think also because of employee  
15 turnover, the fact of the matter is that monitoring  
16 just isn't getting done. And I think it was brought  
17 to a head just recently. Dr. Bill Boarman, who  
18 formally was a BLM employee and then went to USGS and  
19 recently into the private sector, completed a report  
20 on efficacy monitoring being done relative to the  
21 Desert Tortoise over the last 20 years. And besides  
22 Bill Presch, I don't know how many of you have had an  
23 opportunity to see Bill's report.

24 But it is dispiriting, to say the least,  
25 because what he found out in looking at all of the

1 offices in the California Desert District and  
2 extending the search net actually into Clark County,  
3 Nevada, in the offices there that had been looking at  
4 Desert Tortoises, that virtually no one has monitored  
5 anything relative to Desert Tortoises since the  
6 critter was listed in 1989.

7 Yes, there have been some mitigation  
8 reports submitted. Yes, they have launched finally  
9 into line distance sampling in 2001. But there have  
10 been some problems in terms of that data and whether  
11 it's valid or not valid. And there is some ongoing  
12 scientific arguments. And the fact of the matter is  
13 the Service has been asked repeatedly for a base line  
14 and has yet to even supply a base line for where the  
15 Desert Tortoise started at and where it might be  
16 today.

17 And I would commend Boarman's paper to  
18 anybody that is concerned about public land  
19 management, because in the meantime, BLM continues to  
20 make decisions that affect people's lives, they affect  
21 the regulatory framework people have to face. And  
22 when we say, okay, you have habitat management plans  
23 such as up in St. George, where they have supposedly  
24 100 percent implemented land use plan for Desert  
25 Tortoises, and you ask what has it accomplished and

1 they look at you and say we don't know, that is scary  
2 because decisions continue to be made without having  
3 those answers.

4 And so I really -- somewhere along the  
5 line, I think the agency really does need to make or  
6 figure out a way to commit to getting the monitoring  
7 done before taking on new work, new planning efforts.  
8 And right now as we approach the Record of Decision on  
9 the West Mojave and I'm sure the terms "adoptive  
10 management" are going to be used in that plan as  
11 they -- kind of the current buzz word or buzz phrase,  
12 "adaptive management" is meaningless without a strong  
13 commitment that monitoring is going to get done.

14 And five years ago -- I think five years  
15 ago now, four years ago, NEMO and NECO Plans were  
16 adopted. And I would be curious -- and I guess I need  
17 to make this as a formal request: What has happened  
18 in the NECO? What monitoring is going on? What  
19 changes have occurred?

20 Invariably when BLM does make these  
21 expressions, they are always on the input side: We  
22 built so many miles of fence; we have closed off so  
23 many miles of access. And that to me is monitoring  
24 from the input side. What has happened on the output  
25 side? Has there been any change? Has there been

1 measured increase in wildlife species, or whatever  
2 else you are doing. And I think that's important for  
3 the agency to share that with the stakeholders.

4 So that's kind of my sermon of the day.

5 MEMBER SMITH: For those of us sitting  
6 up here, if we wanted to obtain a copy of that, how  
7 would we do that?

8 MR. HILLIER: The Bureau certainly has  
9 copies of it. It was done at the charge of the Desert  
10 Managers' Group, of which BLM is a member. Bill,  
11 during the drafting of that, had shared the report in  
12 draft form with me to make some comments on it and did  
13 furnish me a final copy of it. And Bill Presch I know  
14 has a copy of it through the Desert Studies. I'm sure  
15 he has copies and can share it. And I have shared it  
16 with my membership of Quad State County Government  
17 Coalition Board.

18 MEMBER DENNER: Ron, can I respond to  
19 Jerry's comment here, please?

20 CHAIRMAN KEMPER: Sure.

21 MEMBER DENNER: Jerry, there is no way  
22 the BLM is going to do the monitoring. Absolutely no  
23 way. We have five management plans now that are two  
24 volumes this thick to replace one management plan that  
25 was in effect for 20 years that was that thick that

1 they could not implement.

2 We have been -- I don't know if you were  
3 with us. In Washington, D.C., we met with the  
4 appropriations people and we asked them how much money  
5 is in the budget. The question of budget came up  
6 yesterday. And whoever the BLM person was laughed at  
7 us. Are you kidding? We never do budgets. We do  
8 plans. And then we worry about it later. Nobody ever  
9 creates a budget for a plan first.

10 So there is no money in any of these plans  
11 to do the amount of monitoring that the plans demand.  
12 And I suggest that within the next three years, the  
13 BLM is going to be so besieged by lawsuits that the  
14 only action they will be able to take without  
15 resources is emergency closures. We are going to see  
16 the whole damn California Desert District closed to  
17 access because they don't have any money to implement  
18 the plans.

19 In Washington, D.C., recreation is not high  
20 on the priority list. Fighting the war and silly  
21 little things like that are taking high priority. And  
22 budgets are being cut to managing agencies, not  
23 increased. So they are never going to get the money  
24 to do the monitoring. I would love to have a BLM  
25 person -- I have asked everybody up to the Secretary

1 of the Interior just this summer, "How are you going  
2 to implement the plans?" And nobody has an answer.  
3 So if you think that somehow the BLM is going to do  
4 the monitoring that these plans require, you are  
5 smoking something that I haven't had the opportunity  
6 to experience.

7 MR. HILLIER: I wish I had come in  
8 contact with it, too, and I wish I wasn't bringing  
9 that message of frustration. But certainly, I  
10 represent a constituency being asked to spend a  
11 considerable amount of money implementing these plans  
12 or being mitigated for these plans. You represent a  
13 constituency that's faced with the same thing. And  
14 Ron Kemper represents a constituency that literally  
15 has been 80 percent put out of business because of  
16 decisions that come down from these land plans.

17 And when you say, okay, you got rid of the  
18 winter sheep or the spring sheep grazing in the West  
19 Mojave in the Kramer Hills area, what has it  
20 accomplished? How many tortoises have you recovered?  
21 And they look at you blankly and say nobody has gone  
22 out to look. And so it's frustrating. We are not  
23 going to arrive at answers here, but it's something  
24 that the agency and others need to focus on.

25 Whether it's getting some money and carving

1 off \$100,000 or a million dollars off the top of this  
2 \$15 million budget and contracting it. But it's  
3 becoming -- I believe it's of crisis proportions  
4 because you can't continue to write plans and demand  
5 implementation of them and not assure yourself that,  
6 indeed, you are doing the right kind of things to even  
7 accomplish the goals of the plan.

8 MEMBER DENNER: And that you have the  
9 funding.

10 MR. HILLIER: I apologize for being on  
11 the soap box on it. And this wasn't even the main  
12 comment I intended to make here today. But it hit me  
13 again last night because Bill Lamb, who some of you  
14 may know, was with me. And some of these projects --  
15 and he was looking at the 100-page plan that the  
16 Bureau of Reclamation has on the Colorado River that  
17 has a strong monitoring commitment. But Reclamation  
18 has the money and is going to commit to carrying out  
19 the monitoring in the Cibola Valley. And somehow BLM  
20 needs to make that as a commitment in this plan before  
21 they even start doing the implementing actions.

22 MEMBER DENNER: You mean BLM California?  
23 In Nevada they are doing that.

24 MR. HILLIER: I think that's -- that's  
25 yes and no. But anyway, that's the primary message.

1 I did have a couple of other things.

2 CHAIRMAN KEMPER: In order to move us on  
3 a little bit and maybe stop the debate before it  
4 becomes a debate, I think monitoring is something that  
5 the DAC in its entirety can probably support. And we  
6 would like to take an action item on it in the meeting  
7 in our role as giving advice to the agency and to  
8 Steve. Maybe we want to take an action item that it's  
9 our recommendation that monitoring be done. Jerry,  
10 you want to go ahead and make your other reports?

11 MR. HILLIER: I have two other points I  
12 want to make.

13 One of them is relative to Surprise Canyon,  
14 the longstanding effort there. And very frankly, I  
15 don't have a dog in that fight. So I have sat on the  
16 sidelines and watched it over the years and been aware  
17 of it and have provided comments to all the various  
18 people that have been involved in Surprise Canyon.

19 But it's an issue that involves RH 2477,  
20 which to some people are fighting words and to some  
21 people, they roll their eyes and hope it goes away. I  
22 think at the last meeting of the DAC, I mentioned that  
23 the 10th Circuit Court of Appeals had rendered a  
24 decision in early September on 2477, which we have  
25 been uncertain how the Secretary was going to

1 implement that, either within the 10th Circuit or  
2 nationally.

3 There was a meeting in Washington Tuesday  
4 which did involve Paul Beddoe from the National  
5 Association of Counties, and I have been told that the  
6 secretary now is getting ready to make some kind of a  
7 major pronouncement at the NACO legislative conference  
8 that's going to be in the first week of March, roughly  
9 five weeks from now.

10 And given the importance of 2477 and the  
11 manner in which the 10th Circuit -- and I don't know  
12 the extent to which the Bureau has even briefed its  
13 employees relative to this decision -- I would caution  
14 decision making prior to, or at least raise the  
15 question with the California state office and the  
16 others, whether decisions regarding access would be  
17 appropriate prior to the Secretary coming out with  
18 some kind of a pronouncement to the agency and to  
19 others relative to the implementation of 2477.

20 I think it's going to be -- certainly the  
21 decision that came out of the 10th Circuit from which  
22 no appeal was taken is a fundamental change in  
23 direction in the handling of these. And hopefully,  
24 going to lead to a resolution. I'm sure a lot of  
25 people won't be happy with it, but the fact of the

1 matter is that it is there, and it probably is going  
2 to get implemented.

3 The last thing I wanted to touch on related  
4 to the Desert Tortoise Recovery Plan. As many of you  
5 know, I have been involved with Quad State County  
6 Government Coalition for several years in looking at  
7 the review and the revision of the Desert Tortoise  
8 Recovery Plan. It was adopted in 1994 about the same  
9 time that Critical Habitat was designated.

10 The group that I speak for has taken -- has  
11 raised several questions over the years relative to  
12 the handling of population matters and the various  
13 management issues. And that's how we got into this  
14 efficacy issue in terms of monitoring and follow-up  
15 with the tortoises.

16 Fish and Wildlife Service appears to now be  
17 on the brink of moving ahead with formal establishment  
18 of work groups and moving ahead with review and  
19 revision of the Tortoise Recovery Plan. And probably  
20 is going to be addressing it this spring. We have  
21 been assured that within the next 30 to 60 days, the  
22 United States Conflict -- Environmental Conflict  
23 Resolution Institute -- and I think I have that name  
24 correct -- out of Tucson --

25 MEMBER BETTERLEY: Is there an acronym

1 for that?

2 MR. HILLIER: Not to my knowledge.

3 MEMBER BETTERLEY: You couldn't use it  
4 in a public meeting.

5 MR. HILLIER: They are out of Tucson,  
6 and the Service has contracted with them. And they  
7 are going to be going around talking to anybody who  
8 has anything to say relative to the tortoise issues,  
9 to implementation of the plan, to their experience  
10 relative to whether things have been going good,  
11 whether things have been going badly, and how, and  
12 going to try and frame the issue so that the Service  
13 then can readdress recovery actions in the coming  
14 year.

15 And I think this is going to be -- we  
16 finally got the Service to the point of at least  
17 looking at the plan. Some of it is ten years late,  
18 but they are going to be moving ahead in a very  
19 formal, structured fashion. And many of you that are  
20 sitting on this Council -- the Service already has  
21 your names -- probably will be contacting you and I  
22 think it's -- I say that not as a warning but as an  
23 invitation to participate fully with them so that your  
24 experience relative to Desert Tortoise management,  
25 Desert Tortoise habitat issues do get fully framed.

1 They are not only getting scientific input,  
2 but they are getting full stakeholder interface input.  
3 And I don't think there is anybody at this table who  
4 in one way, shape, or form isn't a stakeholder  
5 relative to Desert Tortoises. So we will all be doing  
6 this together, I think, probably in the coming months.

7 My role relative to the County Government  
8 Coalition will be to make sure that the California  
9 group communicates with the Nevada group and in  
10 Arizona and Utah so it's done on a full Mojave Desert  
11 basis and we don't -- and the Service doesn't just  
12 carve off isolated factions there to fight.

13 So we are hoping to get some resolution out  
14 of this. We don't know what it's going to be, but one  
15 of the issues, again, gets back to my first pitch.  
16 Without some monitoring, we don't know what the  
17 current plan has done or not done relative to any  
18 recovery. But this is the one way we are going to  
19 finally get some action relative to disease and  
20 predation and some of the other issues that many of us  
21 feel are the fundamental causes of tortoise declines  
22 as opposed to some of the things they have taken  
23 action against. And that's the end of my comment.

24 CHAIRMAN KEMPER: Thank you very much.

25 MR. HILLIER: If anybody has any

1 you know, the Court system below the Supremes is  
2 divided into a number of circuits. And there are  
3 10 -- the 50 states and territories are divided into  
4 10 circuits. California lays in the 9th Circuit,  
5 which includes Oregon, Washington, this state, Nevada,  
6 Arizona.

7 The 10th Circuit is basically the Rocky  
8 Mountains region, except for Montana. It's Wyoming,  
9 Utah and Colorado. The Circuit heard an appeal of a  
10 District Court decision out of Utah and wrote -- the  
11 three-judge panel wrote a unanimous decision that  
12 basically held -- and you can go back and check -- it  
13 was September 8 of 2005 is when it was rendered. And  
14 basically knew, I think, it was either going to get  
15 appealed or going to get applied nationally.

16 And so they drew on precedent cases from  
17 throughout the country. And there were quite a few  
18 out of Oregon and California. And basically held that  
19 BLM and the Secretary of Interior could not establish  
20 maintenance requirements or anything else relative to  
21 the designation of an access. The fundamental issue  
22 was, did it exist on October 26, 1976, when the law  
23 was repealed. And in fact, the issue of construction  
24 wasn't even -- couldn't even be brought to bear.

25 The BLM could not establish and apply

1 questions, I'll be happy to answer.

2 MEMBER BETTERLEY: If what Jerry tells  
3 us is correct, and we get -- any member of this DAC  
4 gets contacted by this group, I believe we ought to as  
5 a DAC meet with them and have them at one of our  
6 meetings so that they can hear what each one of us  
7 that has a different interest has to say about the  
8 monitoring program that's gone on, which hasn't gone  
9 on. And the number of millions of dollars that they  
10 spent on studies and on lawsuits over the past ten  
11 years or whatever it is. I think we ought to even  
12 invite them to a DAC meeting. Put it on the agenda  
13 for 9 o'clock in the morning so we have to get up  
14 early.

15 CHAIRMAN KEMPER: I think it's a good  
16 idea too. If you want to bring it up in the action  
17 part of the meeting to give them an invitation, then  
18 we will certainly consider it. Thank you, sir.

19 Howard.

20 MEMBER BROWN: I have two quick  
21 questions. You had mentioned the 10th Circuit  
22 decision or something. Can you -- maybe I'm the only  
23 one that doesn't know what it is -- to say what that  
24 decision was.

25 MR. HILLIER: It was a decision -- as

1 construction standards for consideration. And that it  
2 was basically a subject of state law, whether the  
3 access was there and what laws applied to prescriptive  
4 rights under state law. And it's a really fundamental  
5 change. And I can tell you that an attorney with the  
6 Department of Interior that I spoke with in November  
7 who has been working on this -- he has since moved  
8 over to the Department of Justice -- said that the  
9 acceptance of this decision inside BLM is going to be  
10 traumatic from the director on down and is going to  
11 really require a change in the agency culture.  
12 Because for 20 years, BLM employees have been told, we  
13 are in charge. And this is a case where the law  
14 predated BLM, and the judges' decision basically gives  
15 BLM a ministerial function instead of a regulatory and  
16 administrative function. It's a profound fundamental  
17 decision.

18 MEMBER BROWN: Thank you.

19 The other question was relative to the  
20 Tortoise Recovery Plan you are talking about. Who is  
21 the Fish and Wildlife guy that made a presentation  
22 here before the DAC last year sometime where they  
23 wanted to create the new science advisory team --

24 MR. HILLIER: You are referring to Roy  
25 Averill-Murray, who is the head of the Desert Tortoise

1 Recovery office. Yes, this is a continuation of that  
2 work, but it's taken them a year to get from that  
3 introductory remarks to finally getting a program put  
4 together.

5 MEMBER BROWN: It seems that the DAC  
6 recommended I think that -- I think the user groups be  
7 given some sort of equal status on the -- their  
8 science review team and maybe even in the decision  
9 making. Have you seen a letter or --

10 MR. HILLIER: They have expanded the  
11 science advisory committee to incorporate a couple  
12 people that were recommended by our Quad State  
13 organization, such as an epidemiologist. The science  
14 advisory committee has begun meeting and developing  
15 recovery criteria. Bob Williams of Fish and Wildlife  
16 Service, Roy Averill-Murray's boss, briefed the board  
17 of Quad State two weeks ago and indicated they had met  
18 four times, but we have no indication of what the  
19 results of any of those meetings have been and may not  
20 know.

21 I will be attending the Desert Tortoise  
22 Council meeting in Tucson about this time next month  
23 and probably am going to have a more up-to-date feel  
24 after that meeting as to just where some of these  
25 stand.

1 MR. BORCHARD: Put in a good word for  
2 us.

3 MEMBER PRESCH: The Science Advisory  
4 Group you are referring to, is that the arm of the  
5 Desert Managers' Group?

6 MR. HILLIER: No. The Science Advisory  
7 Committee is a national group. I don't have all their  
8 names. It does include Dr. Berry, who the Council is  
9 familiar with, a former BLM employee out of Riverside  
10 now at GS. It also includes Dr. Tracy out of  
11 University of Nevada-Reno who was involved in the  
12 original Desert Tortoise Recovery Plan. And then it  
13 includes a couple of reptile scientists out of the  
14 East Coast, one from the Smithsonian, whose name  
15 escapes me. Another from Tufts University in  
16 Massachusetts. And another from the University of  
17 South Florida. And I don't have any of their names  
18 with me.

19 And then they have added an epidemiologist,  
20 and I was given that name and we ran it through some  
21 filters and it came out it was an okay person. We  
22 have been -- my organization has had a dialogue with  
23 the veterinarian pathologist out of University of  
24 Florida who has done considerable work. I find there  
25 are some professional jealousies going on between them

1 and some other universities, which is irrelevant.

2 The point of it is, there is a lot of  
3 science that needs to be applied. And we are trying  
4 to keep that --

5 MEMBER PRESCH: If you could provide me  
6 somehow the name of that person out of the  
7 Smithsonian, and let me know. I probably know them.

8 MEMBER DENNER: Mr. Chairman.

9 CHAIRMAN KEMPER: Yes, sir.

10 MEMBER DENNER: To bring the Council up  
11 to speed on what has happened, those of you that were  
12 here, if you recall, we passed a motion to have the  
13 chairman write a letter to Roy Averill-Murray, the  
14 head of the Desert Tortoise Recovery office,  
15 suggesting that some of the user groups, the  
16 stakeholders, have a lot of background with the Desert  
17 Tortoise.

18 As you know, the OHV people have been  
19 working that effort for a long time. That helped lead  
20 to a decision to bring a stakeholder onto the Desert  
21 Tortoise Science Recovery Committee. His name is Jim  
22 McGarvey. He's the senior vice president of my  
23 organization, the Off-Road Business Association. So  
24 he will be sitting right at that level with the  
25 advisory committee, providing input to Roy

1 Averill-Murray, the chairman of the new Desert  
2 Tortoise Recovery office.

3 But I have to tell you, they are right back  
4 where they were ten years ago. Roy Averill-Murray  
5 admits they don't know anything more about that Desert  
6 Tortoise today than they did when they did the  
7 original Desert Tortoise Recovery Plan, and they are  
8 falling into the same pattern of maybe working out a  
9 plan so that five years from now, there may be some  
10 good feedback that is usable in terms of determining  
11 what is happening to the Desert Tortoise.

12 So I don't look for any overnight changes  
13 of our understanding about what the status of the  
14 tortoise is. But it's important to know that I will  
15 certainly get direct feedback from what is going on  
16 with that Advisory Committee and make sure the DAC is  
17 up to date at every meeting on where they are going.

18 CHAIRMAN KEMPER: Thank you, Roy. Thank  
19 you, Mr. Hillier.

20 MEMBER SCHILLER: I just wanted to  
21 quickly say that I appreciate Jerry's insight. And I  
22 have known Jerry a long time. And his insight and his  
23 willingness to come and provide this information is  
24 very important to me, and I certainly do appreciate  
25 it.

1 CHAIRMAN KEMPER: Thank you,  
 2 Mr. Hillier.  
 3 Okay. At this time we need to have a  
 4 roundtable and a meeting summary. We need to -- we  
 5 can do it in whatever order the Council would like to.  
 6 But my suggestion is go ahead and take action items in  
 7 regards to what formal advice we would like to give.  
 8 And then we discuss where future meetings  
 9 should be held or at least general locations. And I'm  
 10 going to ask a question of Doran. I think the dates  
 11 have already been set, haven't they?  
 12 MR. SANCHEZ: No. This is the first  
 13 meeting of the year, and so now you will look at  
 14 possible meeting dates and then work with the District  
 15 manager to see how he can also guide you in agenda  
 16 topics and everything. No, this is your beginning for  
 17 this year.  
 18 CHAIRMAN KEMPER: Before I forget, we  
 19 were asked on Thursday, I believe, in the orientation  
 20 by Doran, if we would consider as a Council possibly  
 21 doing away with our professional stenographer and  
 22 having a staff member take notes.  
 23 The charter requires that accurate notes be  
 24 taken, though Doran feels that's something that he can  
 25 do and maybe save the cost of a stenographer. So I

1 will open that up for discussion, and then I will ask  
 2 for an action item at the end of the discussion.  
 3 MR. SMITH: Before we start this, I  
 4 would like our court stenographer to know that to my  
 5 knowledge everybody is happy with her services.  
 6 CHAIRMAN KEMPER: Absolutely. And I  
 7 suspect that will even get discussed.  
 8 MR. BORCHARD: Well, we talked a little  
 9 bit at length, Doran and I, about, well, maybe there  
 10 are two or three alternatives that Council would start  
 11 at, or suggest two or three alternatives to consider  
 12 for discussion and seeking additional alternatives.  
 13 CHAIRMAN KEMPER: Would you like to  
 14 present those alternatives at this time? Or do you  
 15 want to hear the flavor of the comments first?  
 16 MR. BORCHARD: Or shall we throw several  
 17 alternatives up and then we can comment?  
 18 CHAIRMAN KEMPER: It might be helpful --  
 19 I think there will be some discussion. It might be  
 20 helpful if you had a little background, and that might  
 21 lead you to where you want to go with your  
 22 alternatives.  
 23 MEMBER McQUISTON: Just -- I didn't know  
 24 the subject was coming up, so I'm shooting -- I'm  
 25 shooting from the hip. I think we need more than just

1 somebody's recollection in capturing the high points.  
 2 Communication is hazardous, at best, and I  
 3 get quoted all the time and my thoughts synopsised all  
 4 the time. And when I read it, I say that's not what I  
 5 intended.  
 6 So I would suggest that maybe you don't  
 7 need a stenographer, but you need to either have an  
 8 audio recording or video recording or something that's  
 9 an accurate reflection of the words and the motions  
 10 and the recommendations and comments.  
 11 CHAIRMAN KEMPER: Paul, you had your  
 12 hand up.  
 13 MEMBER SMITH: Yeah. I have been  
 14 thinking about this since knowing it would be on the  
 15 agenda. And I think in view, although we have been  
 16 very peaceful for a few meetings here, but I think in  
 17 view of the contentious nature of issues that will be  
 18 coming up for the foreseeable future from my  
 19 perspective, and the fact that we are 15 people from  
 20 15 different constituencies, I think we should  
 21 continue to have it transcribed.  
 22 MEMBER DENNER: Several of us were here  
 23 when we voted to suggest to the BLM that we have an  
 24 official stenographer. And the reason was, you know,  
 25 a lot of activity goes down when we have our meetings.

1 And with all due respect to Doran, to have sketchy  
 2 notes as to pieces of what went down here versus a  
 3 full -- actually, to go through all those things is a  
 4 real pain. It's a problem for all of us to have to go  
 5 through there and review the amount of information we  
 6 get from the stenographer.  
 7 But before we had that, we had a lot of  
 8 contention in our meetings. "I didn't say that." "He  
 9 didn't say that." We even had a situation where the  
 10 vote count that went down by the Council was reported  
 11 inaccurately. And again, I don't mean to put Doran  
 12 down. He did a marvelous job, given his particular  
 13 area of expertise and that sort of thing.  
 14 But I think we are going to go back to a  
 15 lot of fingerpointing and, like Jon says, I get quoted  
 16 a lot about what happens at DAC meetings too. And I  
 17 can always go back and copy the page out of the  
 18 stenographer's notes and say, "Here is what I said."  
 19 And I think we need to keep it.  
 20 MEMBER SCHILLER: I agree with everyone  
 21 else. One of the things that concerns me is that  
 22 these are posted on the Internet. And the public can  
 23 see what was said. And you can't really publicly  
 24 display audiotape or a videotape. And there are a lot  
 25 of people who can't attend these meetings who are very



1 interested in what is said.

2 I think the convenience of being able to  
3 post that on the Internet is very important.

4 MEMBER SCOTT: I think there are times  
5 when even the stenographer has difficulty capturing  
6 everything that's said. Wouldn't you agree with that?  
7 And there are times when people may have said things  
8 that weren't exactly written down, but yet we treat  
9 this as what they have said. So maybe as a  
10 compromise, one of the things we could do is have an  
11 audio recording which is of sufficient quality that  
12 the stenographer, at her own home or office, can  
13 transcribe the minutes. And then if there is a  
14 problem of something said, she can roll the tape back.  
15 And this is even probably stronger than having someone  
16 sitting in the room taking things down.

17 So that provides an audio record and  
18 written record, which would handle your question of  
19 how to put those minutes on the Internet.

20 MEMBER BROWN: Are you suggesting we  
21 have the stenographer and an audio recording, in  
22 addition?

23 MEMBER SCOTT: What I said is we record  
24 our meetings with a good enough system. And these  
25 systems now, because of MP3 players and everything

1 else with multiple microphones, it's not that  
2 expensive to do this. Then we give this tape to a  
3 stenographer so they don't have to come out to remote  
4 sites. They don't have to travel. They can do this  
5 at their leisure. We can go to a service that does  
6 this, and they can transcribe these.

7 If you are looking for a cost reduction,  
8 you get a cost reduction with an increase in accuracy,  
9 which I think is called for.

10 MEMBER PRESCH: Well, yes, I was going  
11 to respond to Ron and say you can put the video and  
12 audio on Internet just as easy as you can put the  
13 written words. I don't see that that's a problem at  
14 all.

15 I think it's important that we have an  
16 accurate record of what we say. And I think that's  
17 important from an historical standpoint. There are  
18 some historical issues that I would like to have more  
19 information about that occurred long before I was on  
20 the DAC. And that information doesn't seem to be  
21 available or it's misplaced or when BLM moved from  
22 Riverside to Riverside, a lot of it got lost, flat  
23 out.

24 So I like the idea of a stenographer. I  
25 also like Tom's idea of recording it. But I caution

1 only that, if we all recall on Thursday, it took 45  
2 minutes before somebody knew which button to push on  
3 that particular recorder. So that we were blaming  
4 wires and we were blaming computers and inaccurate  
5 programs. And of course, that's merely a projector.  
6 It doesn't care what you give it. You have to have it  
7 on the right channel.

8 And I fear that sometimes that may occur  
9 with audio, no matter how sophisticated you want to  
10 get. You are going to have to have somebody who knows  
11 that stuff and who can make it work or if you forget  
12 to put the batteries in.

13 At my Desert Study meetings with my Board  
14 of Governors, my secretary is there. She takes notes  
15 and we record it. And sometimes recording just  
16 doesn't seem to work. Even when it's plugged into the  
17 wall and we are not working on batteries. So to have  
18 a stenographer, I think, is extremely important. And  
19 I would just as a personal note say that I enjoy her.  
20 I think she does a great job. And she likes to go out  
21 with us. She followed us around yesterday. That's  
22 all I have.

23 (Discussion was held off the record.)

24 MEMBER SCHILLER: I think what Bill says  
25 is true. One concern that I would have is that we

1 would have to be very careful in always announcing who  
2 we are before we say anything if we have simply an  
3 audio recording, because we are not very good at  
4 stating who we are. I think the current recorder we  
5 have today would agree with that. And also,  
6 oftentimes we have cross conversations or other noise  
7 from the audience and such that might be difficult  
8 to --

9 MEMBER BROWN: I would just ditto what  
10 Ron just said.

11 MEMBER DENNER: I suggest we could save  
12 money by holding our next meeting in a Motel 6 and  
13 hiring a professional filming crew.

14 MEMBER SHERI DAVIS: I have a crew that  
15 would probably do it for free just to come over for  
16 the experience.

17 DR. PRESCH: You have some starving  
18 student movie makers?

19 MEMBER TOM DAVIS: I am going to go  
20 ahead and ask that -- how -- I just got a flavor for  
21 the -- probably you are going to give me the answer.  
22 How important is it to have verbatim minutes or a  
23 verbatim record? I think strictly going through  
24 recording is a mistake. I have been in many planning  
25 Commission meetings, city councils, board of

1 supervisor meetings. Recordings are very hard to  
2 transcribe. They are -- there is noise issues. There  
3 is background conversation issues. And there is  
4 certainly is a lot of identification issues. So  
5 that's my experience.

6 But I think it goes back to how important  
7 this board-committee-council believes that a verbatim  
8 record needs to be kept.

9 CHAIRMAN KEMPER: What I can share with  
10 you is that when I came on the Council, I think  
11 overwhelmingly there was a feeling that -- and no  
12 disrespect to Doran; it's not directed towards  
13 Doran -- is that the minutes were manipulated. And  
14 there was a feeling of distrust. There was some of  
15 the members that felt strongly enough about getting a  
16 stronger record that they didn't want to have a  
17 meeting unless they had one.

18 And I think since we have had a  
19 stenographer, we have had a much higher level of  
20 trust. And from that standpoint, I think it works. I  
21 know that when we first started with a stenographer,  
22 we had one virtually for two days. And it was very  
23 expensive. And then we went to having a moderator to  
24 work through roundtable discussions. And then we  
25 tried to keep a court reporter for action items.

1 And up until today's meeting, last several  
2 meetings we have actually only needed a court reporter  
3 for about half a day. So we have been conscious of  
4 the cost. And we have tried to cut it down. And I  
5 think it has been something that has helped build  
6 trust between all the stakeholders in the agency.

7 And so I realize this is your first  
8 meeting, and I appreciate you and the staff are  
9 looking at ways to save costs. But I think this is  
10 one of the things that has made the Council successful  
11 in the last few years. It is building that trust  
12 factor and having an accurate record.

13 And we are still not without conflict. We  
14 were in conflict about where this meeting was supposed  
15 to be held, with the ability of the minutes. You are  
16 able to go back and take a look at it and come up with  
17 a position. So it's important to have I think those  
18 accurate records.

19 That's my decision. Now, after hearing all  
20 that, we would love to hear what you think in the way  
21 of options available.

22 MR. BORCHARD: Okay. Doran and I talked  
23 about an option, and we talked about, well, let's keep  
24 our services as we have had them to this point. But  
25 let's try and provide some tighter management of the

1 meeting in order to make it as most efficient and  
2 effective as possible.

3 And really the only thing that we came up  
4 with, which I think I would like to suggest that we  
5 keep, is that we have the field managers present their  
6 reports in writing probably two weeks before the  
7 meeting. And that would hopefully keep that time  
8 period for field managers' reports available for  
9 discussion of the reports, assuming most members would  
10 have an opportunity to look at them and think about  
11 forming questions that they would like an explanation  
12 on prior to the meeting. So that what the field  
13 managers' reports would be, would be providing  
14 additional information and clarifying information they  
15 have already provided on hard copy prior to the  
16 meeting. That would at least tighten up that  
17 particular segment of the meeting.

18 Certainly, I wouldn't want to suggest any  
19 other changes in the format of the meeting because  
20 everybody needs an opportunity to express their  
21 opinion and ask questions for clarification and get a  
22 decent answer. So after hearing the discussion today,  
23 you know, one of the big things in my mind is trust.  
24 The last thing I want to do is do something that can  
25 undermine trust.

1 It's really clear to me that you have job  
2 security, and you need to continue on this path. But  
3 I guess I would offer up from our management reporting  
4 from our field managers, I think there is opportunity  
5 to tighten that up and in essence, extend our  
6 capability by giving you written materials beforehand  
7 so that you are not hammered with all this information  
8 while you are sitting here at the front of the table.  
9 You have got kind of a preview and have the  
10 opportunity to request additional information or  
11 clarification at the meeting.

12 MR. SANCHEZ: Ron, what we also  
13 discussed was that we would try to make a commitment  
14 to increase our informational exchange. Here is where  
15 the Council can help. As we set meeting dates and  
16 agenda topics, when we know what those topics are, we  
17 can provide information well before the meeting to  
18 give the Council tremendous time to review so when we  
19 come to the meeting, we don't have to have an hour and  
20 a half discussion.

21 What we do now is just take the Council's  
22 statements and get the recommendations and then advice  
23 that we are seeking. That will also help reduce the  
24 minutes time. And that increases the safety factor,  
25 especially when we are driving long distances like

1 Supervisor McQuiston is going to be doing shortly, and  
 2 you. If we can provide you -- increase our  
 3 information and sharing capabilities and increase --  
 4 decrease the amount of time of discussion somewhat,  
 5 and it decreases our costs here. But it meets your  
 6 goals and we get the advice and counsel that we are  
 7 looking for also.

8 MR. BORCHARD: I see the expense of  
 9 preparing good, accurate records and making them  
 10 available for both members and the public, that's  
 11 money well-spent. It really is.

12 MR. McQUISTON: Just a general comment  
 13 after listening to all of these discussions around the  
 14 table. I agree with the gist of it. We need to  
 15 continue it, but I do believe the notion of getting  
 16 the field managers' reports out a couple of weeks, the  
 17 agenda and all of that, will go a giant step. But I  
 18 think in terms of the format, we have already taken a  
 19 position on that, and what happened today was  
 20 consistent with that.

21 And that is, you have got them. If you  
 22 have any questions on them, this is the time to ask  
 23 those questions. And I think we have already  
 24 incorporated that, and you will probably find it in  
 25 the steno records of previous meetings. Today perhaps

1 there was a lot of interest in the Adopt-a-Cabin.  
 2 Those things may happen, even without the formal  
 3 report, but it's only been a few meetings ago that we  
 4 could easily have an hour, an hour and a half program  
 5 time just to have the field managers stand up and read  
 6 what they had already sent us previously. So I think  
 7 we are already doing that.

8 MR. SANCHEZ: You will always have the  
 9 opportunity to ask specific questions about specific  
 10 topics, but by reducing the oral repetitive reports  
 11 that you have had for two weeks, hopefully that will  
 12 make us a more efficient operation.

13 CHAIRMAN KEMPER: The other thing we  
 14 talked about was I think all of us except for Bill  
 15 Betterley have e-mail addresses. As staff is working  
 16 on the agenda and items, if we post those on there and  
 17 allow everybody to give comment, then I don't think  
 18 anybody will ever feel like they are left out. And I  
 19 will certainly work closely with Steve, and we will  
 20 try to address everybody's concerns. And we are  
 21 always going to focus on areas relative to the area  
 22 that we are at, but we will certainly get updates on  
 23 the other areas and the TRTs, as well.

24 MEMBER SMITH: I just have -- it's both  
 25 a concern and a question and maybe to Jon McQuiston.

1 We don't have much in the way of public out in the  
 2 audience. But if we did, they might be saying, hey,  
 3 you are discussing things and we didn't get a chance  
 4 to see that. Is there a way to post things on the  
 5 Web?

6 MR. SANCHEZ: All minutes -- we  
 7 generally try to get the minutes back within two  
 8 weeks.

9 MEMBER SMITH: I mean, the field  
 10 managers' reports. If there was somebody out in the  
 11 audience and we got a very short abbreviated field  
 12 manager's report because we all read it, what about  
 13 the people sitting out in the audience?

14 CHAIRMAN KEMPER: Paul, they are  
 15 available in the back and they always have been. They  
 16 can pick them up and read them. We have taken input  
 17 on them in the past, even though they didn't get to  
 18 read the reports. We just don't have a whole lot of  
 19 people from the public at this particular meeting.

20 MEMBER SMITH: Yeah. Does that make  
 21 sense to you, Jon, from your experience?

22 MR. McQUISTON: I think the Web has  
 23 become so adaptive at communication. To the extent  
 24 that BLM may have a Web site and when they send these  
 25 field managers' reports out to DAC members, if there

1 is a button they can push, the public could have  
 2 access and see it. I think it would be very  
 3 beneficial. I think in terms of technology, it's  
 4 fairly a simple thing to do.

5 And -- but that's just as an outsider. The  
 6 more information you can give the public, I think you  
 7 do two things: One, you have a better informed  
 8 public, but you also start building trust with the  
 9 general public. So it's not a bad idea if it's  
 10 executable. And I don't know, Doran, if that's  
 11 something that could easily be done. But just like  
 12 the agenda can be posted on a Web site, the field  
 13 managers' reports could be posted on a Web site  
 14 probably fairly easily.

15 MR. SANCHEZ: As the agenda becomes  
 16 available, we do post that. And I don't see that  
 17 there should be much complication with posting the  
 18 field managers' reports. I will consult with our  
 19 State office folks, and I will try to get some kind of  
 20 response and over the next week or so, find out what  
 21 we can do.

22 MR. McQUISTON: Because I know -- I'm  
 23 not sure my office has been doing it consistently  
 24 recently, but I have my own Web page. And if I know  
 25 of things, I put stuff out there. And a lot of people

1 tap my Web page that might not tap yours.

2 MR. SANCHEZ: The Desert District has  
3 its own Web page, and maybe we can expand that and  
4 make that information on our Web page and a link from  
5 the State page so if someone is cruising around, they  
6 can go to our district page and that information would  
7 be available.

8 I believe we do have options we can look  
9 into.

10 CHAIRMAN KEMPER: I think that's a great  
11 idea. And I think that you might get a little more  
12 public participating after they read the field  
13 managers' reports. It might strike a button: I want  
14 to go there and I want to give some comment on that.  
15 So I think that might be relevant. Anybody else?

16 MEMBER SCHILLER: Maybe you could  
17 include something in the next "News Bites." We have  
18 the weekly "News Bites" from the State office. Maybe  
19 you could put a link there to the DAC or something.

20 MR. SANCHEZ: Generally, the information  
21 in the news release announcing the meeting, that is  
22 all on the Web. And the summary of the tour and an  
23 overview of the topics we are going to be discussing,  
24 that's all posted in conjunction with the agenda. But  
25 that information is there. We can make more of an

1 items we can be focused on and have that after we  
2 leave the meeting, that information readily becomes  
3 available and can be posted on the Web as what future  
4 topics can be discussed at the various meetings. So  
5 by the Council identifying the issues it wants to  
6 discuss, that will make us much better in preparing  
7 for the next meeting also.

8 CHAIRMAN KEMPER: Thank you, Doran.  
9 Before I move on to any action item, I think we have  
10 some reports on TRTs, and I will start on my left with  
11 Paul regarding Surprise Canyon.

12 MEMBER SMITH: Surprise Canyon. We are  
13 well aware of the fact that the Draft Environmental  
14 Impact Statement is still a ways off. It's going  
15 through State review. In order to make sure that we  
16 are pursuing our due diligence with input from the  
17 various members, we have made requests to the district  
18 manager for backup documents that would help us get  
19 educated so that when we see the report, we are ready  
20 to deal with it and make a recommendation.

21 CHAIRMAN KEMPER: Very good. Thank you.  
22 And then what other TRTs do we have? Is the signing  
23 TRT still going on?

24 MEMBER DENNER: We have a cost recovery  
25 TRT that we established. We are working with Roxie.

1 effort.

2 CHAIRMAN KEMPER: Okay. Any more  
3 comment or questions? For the record, because this  
4 was asked to be taken as an action item, I will ask  
5 for a motion and second.

6 MEMBER PRESCH: So moved, motion to  
7 continue to use the stenographer.

8 MEMBER BETTERLEY: Second.

9 CHAIRMAN KEMPER: Motion and second.  
10 Any further discussion? Hearing none, I will call for  
11 the question. All in favor say aye. Any opposed?  
12 Any abstentions? Motion carries unanimously.

13 MEMBER BETTERLEY: Could I ask a  
14 question? At the same time that they send the e-mail  
15 to all of you and fax them to me or send them by mail,  
16 can we get an agenda with that? I never got an agenda  
17 until I got here.

18 MR. SANCHEZ: I will respond to that.

19 With Steve here new, we were still  
20 basically consulting. And so we generally try to get  
21 that agenda out a couple weeks before the meeting.  
22 Again, to what we can work together now on is when we  
23 talk about meeting dates and locations and agenda  
24 topics, if we come to -- or if the Council comes to a  
25 consensus with the district manager maybe what agenda

1 We got it kicked off. John Stewart with the  
2 California Association of Four-Wheel Drive Clubs has  
3 agreed to chair that TRT. There have been two  
4 meetings, Roxie, now?

5 MS. TROST: Four.

6 MEMBER DENNER: Four meetings? Maybe  
7 you want to -- I haven't made the last two, I know.  
8 So you may want to talk about where we are with that.

9 MS. TROST: Roxie Trost, Barstow field  
10 office.

11 We have had about four meetings. And our  
12 third meeting, no one showed up except for myself and  
13 John Stewart. So we decided we wanted to take a  
14 little bit different course. And so for our fourth  
15 meeting, which was held on January 11, we had each of  
16 the field offices present. They all came except for  
17 one field office. And I started the meeting playing  
18 devil's advocate acting like Roy Denner. And then Ron  
19 came and he relieved me of that role.

20 CHAIRMAN KEMPER: How did that work?

21 MS. TROST: It worked because there were  
22 a lot of the dual sport big promoters that are part of  
23 this TRT. And they were not as easily to consider all  
24 the other recreation involved in the Special  
25 Recreation Permit Program. So Ron came in, and he

1 actually took that role over. So it relieved me of  
2 that. Thank you very much.

3 We have another meeting now scheduled for  
4 March 15th, and that will be again in Moreno Valley.  
5 At that meeting -- our primary focus has been the cost  
6 recovery, but we have also sidetracked just a little  
7 bit on a few other things. And we found that with the  
8 help of the district office, some things have already  
9 been done. So that's going to be first and foremost,  
10 to have a presentation done by the recreation people  
11 in the district office to share with us some things  
12 that are already out there.

13 One of the things that we found was already  
14 out there is a spreadsheet that will help our  
15 proponents to know which agencies they need to go to  
16 in what step of the process. And that's something  
17 that's been requested by them quite frequently.

18 And the other part we are going to be  
19 working on besides just the cost recovery is  
20 developing what we are calling a decision matrix. If  
21 we have a permit come into a field office, then we  
22 will go one course or another, depending on the  
23 complexity of the permit, whether or not it requires  
24 environmental documentation, things of that nature,  
25 and share that as part of the our presentation.

1 One of the things that came out for us  
2 really loud and clear was we have a lot of small  
3 garden clubs that want to go out and recreate on  
4 public lands. And are they charged a fee the same as  
5 the big promoters? And I think that taking us through  
6 this decision matrix will really help understanding  
7 that process and give us a lot better guidance.

8 CHAIRMAN KEMPER: Thank you.

9 MEMBER DENNER: Good job. I like your  
10 tactics.

11 CHAIRMAN KEMPER: Okay. Any more TRT  
12 reports? Okay.

13 We will move on to action items. We were  
14 asked earlier -- that was really my impression. One  
15 of my -- I will clarify that by saying one of my big  
16 complaints is we have listened to a lot of information  
17 from field offices and we have sometimes asked after  
18 the presentation, "Okay, what do you need our advice  
19 for?"

20 They go, "Well, we don't need your advice."  
21 But we had the group from Palm Springs today say they  
22 need some help with the TRT. So I'm going to go ahead  
23 and see if we can put something together. Or first I  
24 should ask, is it the Council's wishes to participate  
25 in a TRT to help them in the planning effort?

1 MEMBER TOM DAVIS: I certainly do. I  
2 think it's important from our region. I certainly  
3 would like to participate and see what happens.

4 CHAIRMAN KEMPER: Would you be  
5 interested in chairing that committee?

6 MEMBER TOM DAVIS: I spoke too soon.

7 CHAIRMAN KEMPER: You will learn as you  
8 are here longer.

9 MEMBER TOM DAVIS: Yeah. I'm familiar  
10 with boards and councils and committees. Good thing I  
11 wasn't absent. I might have been elected to --  
12 whatever. With Gail's help, I will be happy to chair  
13 that effort.

14 MS. ACHESON: Thank you, Tom.

15 CHAIRMAN KEMPER: Is there anybody else  
16 on the Council that would like to participate in that  
17 TRT?

18 MEMBER BROWN: I think I would.

19 MEMBER SMITH: I might be able to lend  
20 some light to that.

21 CHAIRMAN KEMPER: I think that's  
22 probably enough from the Council. And we will ask you  
23 to draw on whatever resources you can find to help  
24 fill out and help you guys help the agency with a  
25 positive direction.

1 MS. ACHESON: I just want to say that I  
2 appreciate the help, because we think this is an  
3 opportunity to get ahead of a curve in an area rather  
4 than trying to react, as John said. So there are so  
5 many issues out there, and we want to make sure that  
6 everybody is represented to kind of come to a  
7 consensus on how we can put forward a positive plan  
8 for that area. So I think it's going to be an  
9 exciting effort because we are not reacting. We are  
10 trying to do something positive ahead of the problems  
11 that may develop. So any effort that the DAC wants to  
12 put into this -- Tom, I will be glad to work with you  
13 on that. I know how busy you are too. I appreciate  
14 your help. Thank you.

15 CHAIRMAN KEMPER: Okay. So let's let  
16 the record show that Gail is going to be involved in  
17 the TRT. Tom Davis is going to be the chair. Paul  
18 Smith will be participating, as well as Howard Brown.  
19 And was there another one? That was it.

20 I don't think we need an action item to  
21 actually get that done on this one.

22 Other action items that I have written down  
23 is we were asked to ask the Agency to make a  
24 commitment to monitoring and monitoring decisions.  
25 Here again, we are just taking an action item on

1 advice. Does the Council have a pleasure on that?

2 Does everybody want to support monitoring?

3 MEMBER BETTERLEY: Mr. Chairman,  
4 probably before we do that, maybe that group that  
5 Mr. Hillier said, we should invite them to a DAC  
6 meeting to let us find out what they are proposing and  
7 how they are going about their --

8 MR. HILLIER: All they are going to do  
9 is conflict resolution and try to identify issues  
10 specifically with the Desert Tortoise. My comments on  
11 monitoring were much broader than that.

12 MEMBER BETTERLEY: I understand that.  
13 They are one example. We should get their input  
14 before we --

15 CHAIRMAN KEMPER: I have that as another  
16 action item, if you don't mind.

17 And I think what we were talking about is  
18 supporting monitoring in general for decisions that  
19 have already been made. I think we all realize it's  
20 been a problem. And it doesn't matter whether you are  
21 a livestock producer or Native Plant Society or  
22 rockhouser or whatever, when we are making decisions  
23 and we are cutting off access or use of certain lands,  
24 we would like to think the sacrifice we made has been  
25 beneficial.

1 MR. McQUISTON: I think this is one of  
2 those things that's long on image, and short on  
3 substance because we can tell Steve that all day long  
4 because he doesn't build his budget. We ought to take  
5 an advocacy role on that. We ought to send a letter  
6 directly to the Secretary as opposed to Steve.

7 CHAIRMAN KEMPER: Okay. Tom.

8 MEMBER SCOTT: Monitoring is a big word,  
9 and in wildlife we have dealt with this question,  
10 trying to get people interested in monitoring for a  
11 very long time. And it seems to be vague, and saying  
12 we would like to see more monitoring may not be the  
13 best approach. It might be better to actually take a  
14 look at what monitoring means and maybe pass a  
15 resolution today to say we really endorse the idea of  
16 monitoring, but not to let it go at that; actually  
17 invite people back to say, how do you develop your  
18 monitoring ideas? It's a huge problem and just asking  
19 for them to start monitoring, well, that's what we  
20 have asked them to do all along.

21 I think it would be better to try to work  
22 out maybe something more interactive where we would  
23 get better presentations of what monitoring means.  
24 How do people decide when and what they want to  
25 monitor? It's more detailed, but I think that will

1 help rather than say this is what we really want.

2 CHAIRMAN KEMPER: What I think I was  
3 looking for was just a first step and show the support  
4 and show we are willing to help support it unanimously  
5 as a group and be involved in the process.

6 MEMBER PRESCH: Yeah, but we have heard  
7 over the last couple of days that people in the  
8 East -- glad you are on the West -- people in the  
9 East, you go to them and you say we need more money  
10 and how much and nobody says anything. So if we write  
11 a letter in support of monitoring and we send it to  
12 the Secretary, okay, put it in a round file over there  
13 because everybody is going to be in support of  
14 monitoring.

15 But I like the idea of taking a more  
16 positive tack. With the signing of the West Mojave  
17 Plan, that is, what, the fifth or sixth major plan --  
18 the fifth major plan in the Desert District. And it  
19 might be to our advantage to send a letter indicating  
20 to the Secretary that with the signing of this  
21 particular plan, that this is the fifth in the last  
22 six years or whatever, and that each plan -- and we  
23 can break it down by total plan -- has a common theme.  
24 And that theme is monitoring.

25 And that by looking at the monitoring ideas

1 that are in the documents or are put forth in the  
2 document? This is how much it's going to cost to do  
3 the monitoring in the East Mojave, this is what it's  
4 going to cost in NECO, and West Mojave. And come down  
5 and say that DAC is in support of the BLM, Secretary  
6 funding these required monitoring activities. And we  
7 give them reason and we give them budget, exactly how  
8 much we need. And we send it to them. And that's  
9 what they want.

10 And if we were able to do that, if we got  
11 15 percent, we would be ahead. Right? I will make a  
12 motion to do that. But if we want to make a positive  
13 stand, we know what those plans are going to cost us.  
14 Every one of the field managers knows what that will  
15 cost us. We can put it in the letter and we can say  
16 we are the DAC and we support, and this is what we see  
17 it's going to cost. And we would appreciate your help  
18 in locating the funding so that this monitoring can be  
19 taken care of and we can start to make better  
20 on-the-ground management decisions, period.

21 MR. McQUISTON: I second that motion.

22 CHAIRMAN KEMPER: We have a motion.

23 MEMBER DENNER: Mr. Chairman, my  
24 thinking is exactly along the lines of Bill Presch.

25 CHAIRMAN KEMPER: Hang on a second. I

1 have a motion and I think I have a second. Let me  
2 recognize the second and then we will have discussion.  
3 Jon, were you the second?

4 MR. McQUISTON: I was.

5 MEMBER DENNER: When we go back to  
6 Washington, D.C. and talk to congressmen about funding  
7 problems for the BLM, the first thing they say is how  
8 much do they need to do that? And I think rather than  
9 us coming out as a Council and saying we would like  
10 more monitoring, we need to take the approach, how can  
11 we help the BLM accomplish that task? And the best  
12 way we can do that is to have some real numbers,  
13 budgetary numbers.

14 I defy any of the field managers here to  
15 tell me what it's going to cost to do the monitoring  
16 in their particular plan today. I don't think they  
17 have that information. So we need to throw the ball  
18 back to them and ask them to put together a synopsis.  
19 How much money do you need to get the monitoring done,  
20 and then we can go help you fight the battle to get  
21 the money.

22 CHAIRMAN KEMPER: Mr. Hillier.

23 MR. HILLIER: Jon really said a lot  
24 there when he talked about good intentions there but  
25 short on substance. A good starting place -- and I'm

1 not sure that anybody can really answer your question,  
2 Roy, but I think it's an important one to ask. And I  
3 think we would probably be fair as a starting point to  
4 ask BLM to determine and take NEMO and NECO, because  
5 both plans are about five years old and ask the two  
6 resource area offices or the two field offices, as  
7 they are called, to come up with a figure in terms of  
8 how much monitoring has gone on in those areas. By  
9 that, I would hate to create that Syracuse effect  
10 where they all run out this spring and do monitoring  
11 so they can show good numbers.

12 But ask themselves, how much monitoring has  
13 gone on in those two areas. And then they can work  
14 backwards and find out how much they spent or didn't  
15 spend to be able to do that. Have they developed a  
16 base line for tortoises and the other listed species  
17 that may be present there? And if nothing else, it  
18 may document indeed something more is going on than  
19 any of us believe is going on. And second, it will  
20 provide a basis in terms of maybe figuring out the  
21 cost.

22 And then ask for -- try to get that report  
23 for the next meeting. And then at that meeting, react  
24 to it by either formulating letters to the Secretary,  
25 working it into the budget for '07, '08, and being

1 able to formulate solid figures on the West Mojave,  
2 which will be probably timely for the Record of  
3 Decision coming out. So that the Record of Decision  
4 for the West Mojave can include a commitment that BLM  
5 is going to spend 100K a year doing nothing but  
6 monitoring or 500K a year or whatever it is.

7 MEMBER BETTERLEY: A lot more than that.

8 MR. HILLIER: Yeah, but doing it on the  
9 basis of substance, because I'm not sure anybody from  
10 BLM can really sit here and say -- unless the answer  
11 is zero and they know it's zero, and I doubt that.

12 MS. ACHESON: I would not want to limit  
13 it to the West Mojave because we have a lot of other  
14 plans out there, and if we are going to look for help  
15 to try to seek some funding, I think it should be a  
16 charge to all the field offices to look at our plans  
17 and try and provide that input. There are lots of  
18 plans.

19 CHAIRMAN KEMPER: I think we are  
20 throwing a big challenge to the field managers. Do  
21 you think that you could report back to the next  
22 meeting about how much money your individual field  
23 offices need for monitoring to implement the existing  
24 plans?

25 MS. ACHESON: Whether it's comprehensive

1 or not, I think we can try to do the best job we can  
2 to get started. It might not be everything that we  
3 want, but --

4 MEMBER BETTERLEY: It could go over a  
5 period of time, too.

6 CHAIRMAN KEMPER: I'd much rather you  
7 come up with a number than us. Roxie, do you think  
8 that's doable?

9 MS. TROST: Yes. We have some of it  
10 done.

11 MS. WOOD: We have some of it done.

12 CHAIRMAN KEMPER: We are prepared to  
13 write the letter, I think, and lead the charge. But  
14 you've got to give us some of the information.

15 DR. FRESCH: I would suggest for those  
16 of you that have some of that information, that you  
17 use that as the base, but that you figure monitoring  
18 from a statistical argument. You are going to have  
19 five or six years. And you probably didn't do all the  
20 monitoring you wanted, so I would take that number and  
21 double it for a year and then double that times five  
22 or times six in order to get an amount of money that  
23 you feel you need to do a project over five to six  
24 years in order to get enough data that can be  
25 scientifically looked at and used.



1 Because if you just say, well we did  
2 \$18,000 on Fringe-Toed Lizards last year, no, that's  
3 not what we want. That's not what I would prefer to  
4 see. I would like to see three guys, and they did so  
5 much, and it cost so much. And there are vehicles and  
6 gas and blah-blah and X number of dollars. And that  
7 the season is three months long, so that's that. And  
8 we need it five years times five. And maybe we are up  
9 3 or \$400,000 just for that project.

10 And I think that is the kind of approach  
11 that I would like to see. I don't think we are going  
12 to get \$300,000 out of the government, but we might  
13 well get several million dollars, 3 or 4 or 5 or 10  
14 million for the district if we approach it that way.

15 MEMBER SCOTT: This is an issue that has  
16 happened at every one of these plans, not just the BLM  
17 plan, but every plan that's come forward is always  
18 really marginal on monitoring. So it really hits home  
19 with the wildlife folks because it's one of the things  
20 where you can't make a decision without the  
21 information. So we are spending billions of dollars  
22 on the plans or we are constricting a lot of things  
23 that might happen in the desert because of this. So  
24 this is actually real ground breaking if we can do  
25 something and get the funding and do it right or just

1 of the very few things that everybody sitting at this  
2 table agrees we need more of. But we have to know how  
3 much it's going to cost.

4 MEMBER BETTERLEY: Call for the  
5 question.

6 CHAIRMAN KEMPER: All in favor, signify  
7 by saying aye. Any opposed? Any abstentions? Motion  
8 carries unanimously.

9 Those were all the items that I had for  
10 action items. Anybody else have any action items?

11 MEMBER BETTERLEY: We need to set dates  
12 for our next meeting.

13 CHAIRMAN KEMPER: Let's finish the  
14 action items first. Anybody else have any action  
15 items?

16 MEMBER SHERI DAVIS: I do.

17 I would like to request on behalf of the  
18 Friends of El Mirage -- this is a very passionate  
19 issue for them -- that the DAC recommend that no fees  
20 be implemented in the El Mirage area until after the  
21 completion and opening of the El Mirage Visitors'  
22 Center. They would like to request that perhaps the  
23 DAC send a letter to the BLM reflecting their request  
24 for no fees.

25 CHAIRMAN KEMPER: Can somebody give us a

1 to get the question in front of people in Washington  
2 that they've got to kick in more money to make these  
3 things work.

4 CHAIRMAN KEMPER: I can assure you, it  
5 would certainly make livestock producers a lot  
6 happier.

7 MEMBER SCOTT: There is unanimity of  
8 opinion on this.

9 CHAIRMAN KEMPER: I don't believe there  
10 is anybody at this table that can't support  
11 monitoring.

12 MR. HILLIER: I would simply say that  
13 Bill Boarman's report is the thing that really brought  
14 it home in spades of the inadequate job that's being  
15 -- or the nonjob that's being done.

16 CHAIRMAN KEMPER: We don't have any  
17 problems spending the money.

18 MEMBER DENNER: A really good example is  
19 Imperial Sand Dunes. It's a 150,000-acre area.  
20 That's all. For the past three years, the BLM has  
21 spent just short of the \$1 million a year doing the  
22 monitoring there. But as an OHVer, I'm delighted  
23 because it has shown that the major impact on that  
24 plant out there is not OHV use. So you know what?  
25 This is probably -- you said it, this is probably one

1 background? Was there a promise made that's when we  
2 would start or that's what the fees were for?

3 MEMBER SHERI DAVIS: Roy, can you speak  
4 more to that?

5 MEMBER DENNER: A little bit. It all  
6 goes back to when we talked about the cost recovery  
7 thing. And one of the reasons we formulated the TRT  
8 was to address cost recovery. There is a federal  
9 mandate now that all areas need to pay their own way.  
10 There can be no more overdrawing of the checkbook at  
11 the federal level. And there is a lot of cooperative  
12 work going on by volunteer groups at the Friends of El  
13 Mirage area, including the development of this  
14 Visitors' Center, which Ed Waldheim, the chairman of  
15 the California Off-Road Vehicle Association, has  
16 succeeded in prying money out of the Commission for.

17 And he would like to see that effort come  
18 to fruition before we hit the people out there with  
19 paying fees for use of the area. It's kind of a rough  
20 summary of what it's all about. I'm sure Ed would  
21 come to the next meeting if we want to hear more.

22 MS. TROST: I was pretty much going to  
23 say the same thing that Roy just added. That there is  
24 fairly limited facilities out at El Mirage at this  
25 time. And Ed was instrumental in obtaining the

1 million dollar grant for the Visitors' Center.  
 2 However, it's going to be \$1.8 million, so we are  
 3 currently \$800,000 short of reaching that goal. He is  
 4 doing a lot of work on the sidelines, probably just as  
 5 we speak, trying to obtain the final \$800,000 for the  
 6 project.

7 I have already made my personal commitment  
 8 to the Friends of El Mirage that until that Visitors'  
 9 Center is on line, we wouldn't be entertaining fees.

10 MEMBER SHERI DAVIS: Oh, good.

11 CHAIRMAN KEMPER: Would you like the  
 12 support of the DAC or does that help you at all?

13 MS. TROST: It does. I don't have a  
 14 problem with the support of the DAC if they feel -- if  
 15 the Friends of El Mirage feel that that would help  
 16 support my commitment for them. I'm fine with that.

17 MR. McQUISTON: It might also give you  
 18 some cover for those that don't like your decision  
 19 that it wasn't done in a vacuum, that our group here  
 20 concurs. That may be beneficial.

21 CHAIRMAN KEMPER: Okay. Did you make  
 22 your statement actually in the form of a motion?

23 MEMBER SHERI DAVIS: Yes.

24 CHAIRMAN KEMPER: Did I have a second?

25 MEMBER TOM DAVIS: I will second.

1 CHAIRMAN KEMPER: Okay. I have a motion  
 2 and second. Any further discussion? Hearing none, I  
 3 call for the question. All in favor, signify by  
 4 saying aye. Any opposed? Any abstentions? Motion  
 5 carries unanimously.

6 Any other action items?

7 MR. McQUISTON: I do have two. I don't  
 8 think they require a motion. I think they probably  
 9 fall under your discretion as the chairman. But we  
 10 did talk about the field managers' reports, having  
 11 done in writing.

12 I would like to suggest that all of the  
 13 chairs on the TRTs out there also submit in advance in  
 14 writing a couple of weeks ahead a summary of  
 15 activities, even if it says, "No activity has  
 16 occurred."

17 And I would -- one of the things that would  
 18 be helpful, too, without gleaning through the  
 19 minutes -- that's item No. 2 -- is if we could have as  
 20 a part of the package a one-page sheet that summarizes  
 21 every action item from the previous meeting that's  
 22 going to be carried forward to the next meeting and  
 23 who has responsibility for that, it would be very  
 24 helpful.

25 MEMBER SMITH: Sort of a follow-up

1 agenda, listing a follow-up on things that --

2 MR. McQUISTON: Just like today. We  
 3 just voted to send a letter. That's an action item.  
 4 And any others that when we come to the next meeting,  
 5 we have a summary of those, what they were, and who  
 6 has the responsibility for initiating that. I think  
 7 it would be helpful in just moving business along.

8 MR. SANCHEZ: Action item summary sheet.

9 MEMBER SMITH: Yes.

10 CHAIRMAN KEMPER: So directed, of the  
 11 TRTs.

12 MR. McQUISTON: Not only the TRTs, but  
 13 actions of the Council has a whole, going into the  
 14 next meeting.

15 CHAIRMAN KEMPER: That works for you,  
 16 Doran?

17 MR. SANCHEZ: Absolutely. This is  
 18 something -- as you finalize agenda topics, this is  
 19 something that could be posted well in advance of any  
 20 meeting, the action items that you passed or actions  
 21 that you support. And then going into the meetings,  
 22 that will help BLM managers also prepare for that well  
 23 in advance of that meeting.

24 MEMBER DENNER: Doran, when you send --  
 25 I suspect you will be sending e-mail out to the

1 Council like two weeks prior to the meeting saying  
 2 that you are posting the agenda and that sort of  
 3 thing?

4 MR. SANCHEZ: Actually, if the agenda  
 5 topics and items are finalized, this is something that  
 6 could be posted two weeks after this meeting, if we  
 7 have a clear understanding of where you want to go.

8 MEMBER DENNER: Where I was going, you  
 9 usually, if nothing else, send out a reminder to make  
 10 sure our hotel reservations -- would it be possible  
 11 for you to also include a little message reminding  
 12 everybody that TRT reports are due at that time?

13 MR. SANCHEZ: Absolutely, because I send  
 14 the same reports to my field managers requesting their  
 15 assistance. So I can do that.

16 MEMBER DENNER: If you do the TRTs,  
 17 reminding them, it will help because some of us have  
 18 70-year-old brains.

19 MEMBER SMITH: Do we even know how many  
 20 technical review teams we have operating right now?

21 CHAIRMAN KEMPER: Yes.

22 MEMBER DENNER: We just talked about  
 23 them all.

24 MEMBER SMITH: It's not really very  
 25 many.

1 CHAIRMAN KEMPER: There is a grazing  
2 one, but we didn't have a meeting because there wasn't  
3 anything that we are working towards for now.

4 I have one other action item regarding  
5 economic opportunities for this district. And I am  
6 going to ask that we put together a TRT. And the goal  
7 is going to be that when we go on field visits, my  
8 hopes in the future is we don't hear from staff, "We  
9 need money, we need money." I think we can identify  
10 ways through the private industry and the end user,  
11 inholders, ways for BLM to generate funds to fund  
12 projects, maintain projects.

13 And I would like to develop a TRT to start  
14 working on that. And I will be real honest with you;  
15 my interest is looking at something similar that's  
16 been done in Clark County, Nevada. And so I would ask  
17 for volunteers. But the first volunteer I want is our  
18 director, Steve, because he has had some involvement  
19 in that process in Clark County. And the mission of  
20 the TRT will simply be to identify opportunities.  
21 Anybody like to participate?

22 MEMBER BETTERLEY: I would like to  
23 participate.

24 CHAIRMAN KEMPER: Howard? Bill? Roy?  
25 Tom? And I think it's important that we have some

1 CHAIRMAN KEMPER: A motion and second.  
2 Any discussion? Hearing none, I will call for the  
3 question. All in favor signify by saying aye. Any  
4 opposed? So any abstentions? Motion carries  
5 unanimously.

6 Okay. I will open it up to conversation  
7 about our next agenda and where it is. I have been  
8 starting on the left, so I will start on the right.  
9 Howard.

10 MEMBER BROWN: I will pass.

11 MEMBER SCHILLER: You are just talking  
12 about agenda right now? I will pass.

13 CHAIRMAN KEMPER: Well, no, I'm talking  
14 about the location of our next meeting.

15 MEMBER SCHILLER: Okay. I wanted to  
16 make sure, because I point out in the minutes we  
17 received that we had already somewhat made a  
18 commitment to have Ridgecrest in April. But in light  
19 of some of the other considerations, maybe we could  
20 put that off until the following time because of the  
21 urgency that the season is closing on the dunes. So I  
22 think somewhere in the dunes area and the dunes should  
23 are part of the agenda.

24 CHAIRMAN KEMPER: Bill.

25 MEMBER BETTERLEY: I kind of agree with

1 government people involved. Jon?

2 MR. McQUISTON: Thank you, Mr. Chairman.  
3 My fund leader is pegged.

4 CHAIRMAN KEMPER: Is that something that  
5 you would be able to participate in?

6 MR. HILLIER: Are you looking at me?

7 CHAIRMAN KEMPER: Yes.

8 MR. HILLIER: Sure.

9 MR. McQUISTON: He can represent local  
10 government too.

11 MR. HILLIER: Can I put my Quad State  
12 hat on?

13 CHAIRMAN KEMPER: Is that something you  
14 would want to participate in?

15 MR. HILLIER: Yes, I would be happy to.

16 CHAIRMAN KEMPER: So that's done.

17 Anything else?

18 MEMBER BETTERLEY: One more: I would  
19 like to for our next meeting make a motion that we  
20 invite -- I can't remember the organization, whatever  
21 they are. I don't care what they are.

22 MR. HILLIER: United States Institute  
23 for Environmental Conflict Resolution, I think.

24 MR. McQUISTON: Second. That is the  
25 title.

1 Ron.

2 MEMBER CHARLTON: I agree with Ron.

3 MEMBER WILEY: Energy was mentioned as  
4 far as wind energy, solar energy, geothermal. I think  
5 that's a lot to cover in one session, and I was  
6 wondering if we could have that addressed in three  
7 separate times. Approach solar one time, you know,  
8 wind another, geothermal another.

9 CHAIRMAN KEMPER: And -- I'm just asking  
10 you, because I don't know. In that if we are looking  
11 at, say, the Dunes area and we are looking for energy,  
12 are you saying districtwide or just in the Dunes?

13 MEMBER WILEY: No, districtwide. I'm  
14 talking about general impacts of these various -- what  
15 they involve, benefits.

16 CHAIRMAN KEMPER: So maybe we get a  
17 little more in-depth presentation?

18 MEMBER WILEY: Yeah. But I'm thinking  
19 that, you know, the three different types or even our  
20 rights-of-way, transmission lines would be another  
21 one. But I'm thinking that's a lot for -- at one  
22 time.

23 CHAIRMAN KEMPER: I think it's a lot to  
24 take oratory on, but if it was given to us a month  
25 before where we had an opportunity to really take a

1 look at it and read it and maybe it wouldn't be that  
2 hard. Bill.

3 MEMBER PRESCH: I think given the  
4 interest of the stakeholders in the Dunes and what is  
5 going on in Sacramento, that we probably ought to meet  
6 again in the South Imperial and look at the Dunes.  
7 And as for an agenda, Thursday we were asked by Doran  
8 to come up with topics of the agenda that we would  
9 like to see. And what I heard and my feeling was that  
10 gee, there are a lot of things going on in the Desert  
11 District and there are a whole lot of things that I  
12 would like to know about, energy and so forth.

13 But I think that's kind of putting the cart  
14 before the horse. If we are going to meet in  
15 Imperial, I think the agenda needs to deal with  
16 Imperial problems. And the Sand Dunes is obviously a  
17 big problem and what we might be able to do there. We  
18 will be in Imperial. Palm Springs is not that far  
19 away so we can get some input about the presentation  
20 we just heard, about that. And we keep our agenda  
21 item located in the area that we meet.

22 Earlier I think it was pointed out that  
23 Surprise Canyon may be coming up at some point, and  
24 that would seem to be an agenda item for Ridgecrest.  
25 And I would like to see the field offices come back

1 with what they think may be important for us to  
2 contribute to as opposed to us just picking topics  
3 that might not necessarily fit into the particular  
4 area.

5 CHAIRMAN KEMPER: Doran.

6 MR. SANCHEZ: We have always tried to  
7 develop the agenda that correlates specifically to the  
8 region that we are going. If we are going to the  
9 Dunes, obviously, all the activities going into the  
10 Dunes are very closely related topics with  
11 immigration, immigrant traffic, a major issue with El  
12 Centro. But it's those kinds of things that can be on  
13 the agenda.

14 And then as we discussed energy, I think  
15 right now every field office has major energy  
16 proposals. So as we go to those different field  
17 offices, we can get in-depth presentations, or  
18 actually, as we get ready to go there, you can have  
19 fact sheets and information about the proposals so  
20 when we get there, we are educated about the  
21 discussions we are going to have. And that way you  
22 will continually be updated and have constant flow of  
23 information about the different projects that are  
24 being proposed for each field office. And so you can  
25 then gain and start getting a pretty good perspective

1 about the desertwide proposals. Would that help?

2 CHAIRMAN KEMPER: I think that would  
3 help. I have a question.

4 You mentioned illegal immigration, and I'm  
5 sure you are talking about across BLM lands. What  
6 kind of presentation could you give the DAC other than  
7 general information? I mean, what kind of advice  
8 would you ask of us? And is it really our position on  
9 advising on public lands? I'm not sure that it's an  
10 issue that we can help resolve.

11 MR. SANCHEZ: It's probably -- that  
12 would be purely informational. Actually, we have two  
13 field managers that very intimately involved with the  
14 issues. And I don't know.

15 CHAIRMAN KEMPER: Would you be asking us  
16 to take a position?

17 MS. ACHESON: I don't think so, but I do  
18 think it's important because of the impacts it does  
19 have on our public lands. So as far as we would be  
20 happy to provide that information to you ahead of time  
21 or do a presentation in El Centro. I know Vicki and I  
22 both share the same issues.

23 CHAIRMAN KEMPER: I think for  
24 information it's great, and I think it would be great  
25 for the Advisory Council to have. But given the

1 amount of time, I hate to do a four-hour presentation  
2 on it and say, "Oh, by the way we don't need your  
3 advice on it."

4 MS. ACHESON: We can submit that  
5 information on-line, if you'd like it.

6 MR. McQUISTON: Just a couple of general  
7 comments. I think the whole energy discussion is  
8 timely now that there is a new energy bill out, and  
9 it's going to affect every one of the regions. And  
10 there is a lot of activity that primarily deals with  
11 federal lands.

12 With respect to the next meeting, I agree  
13 100 percent in principle about focusing the agenda on  
14 the region or perhaps adjacent region with one caveat;  
15 and that is that some of these decisions that are  
16 forthcoming are time-driven. And I would hate to  
17 avoid talking about subjects simply because it wasn't  
18 in the region or the adjacent region.

19 And I will cite in point of fact WEMO. We  
20 heard earlier today that the decision is going to be  
21 signed or hopes to be signed in March. So I would  
22 hope there will be an opportunity to have some sort  
23 of -- if it's just a cursory briefing on the outcome  
24 of that. And frankly, in the WEMO area, all of the  
25 folks that come up there don't come out of the L.A.

1 Basin. They come from all over Southern California.  
 2 And no matter where we are, there may be some interest  
 3 from potential users of that area what that plan would  
 4 say. I would like to at least put a place for the  
 5 West Mojave Plan since the Record of Decision is  
 6 anticipated to be signed prior to our next DAC.

7 MR. SANCHEZ: That type of information  
 8 about those kinds of pending decisions would  
 9 automatically be included, whether in the district  
 10 manager's report, as well as through news releases  
 11 that you all receive. But yes, you would have that.

12 MR. McQUISTON: Whether it's in the  
 13 district manager's report or standalone report, some  
 14 opportunity for discussion.

15 MEMBER SCOTT: Rather than state another  
 16 idea for why we should have a meeting, it seems like  
 17 we have, as Jon said earlier, we have a lot of things  
 18 happening. Maybe we need to have more than just  
 19 quarterly meetings at some point over the next six  
 20 months. So I might suggest we not pass up things we  
 21 need to do because we are going to stick to a strict  
 22 quarterly meeting schedule.

23 CHAIRMAN KEMPER: I concur.

24 MEMBER TOM DAVIS: I will pass.

25 CHAIRMAN KEMPER: Mr. Denner.

1 different items.

2 One, I would like to see on the agenda a  
 3 relatively short subject dealing with federal scenic  
 4 highway designations. And I don't know that we need  
 5 staff reports or anything. I think that members of  
 6 this group can come back and say they have been  
 7 thinking about it. And if it were in my district or  
 8 where I'm from, this is an area which I think might be  
 9 good that we might recommend that it be considered  
 10 seriously.

11 And maybe one of the actions could be that  
 12 we recommend that our district manager take it to the  
 13 Desert Managers' Group, which has got it on the  
 14 agenda. So I think if it ends up on the agenda and we  
 15 don't treat it as a whole lot of specific  
 16 recommendations, but that we get a general discussion  
 17 as to whether we should be moving forward with some of  
 18 those. And I would come prepared to deal with the one  
 19 that I discussed which goes through Joshua Tree  
 20 National Park up to Death Valley.

21 The second thing, I know that I would like  
 22 to hear in the immigration report -- I know others  
 23 would like to hear -- what is going on along those  
 24 borders, the effects of the steps that are being taken  
 25 on wildlife habitat on wildlife corridors, because I

1 MEMBER DENNER: I would like to  
 2 recommend we save money on our next meeting by holding  
 3 it at a Motel 6 in Hawaii.

4 And as for agenda items, I think -- I'm not  
 5 sure if we are asking for this to be on the agenda,  
 6 but we are asking for feedback from field managers for  
 7 their estimates of costs to do monitoring. I don't  
 8 think we want it to go beyond the next meeting, so I  
 9 would like to see that on the agenda.

10 I would like to see some feedback from  
 11 field managers on how this grant funding decision  
 12 shakes out, whether they are really going to be  
 13 impacted or whether we are going to be suffering  
 14 because they can't complete tasks they have committed  
 15 to or whatever. That could be a major impact on the  
 16 California Desert region. So I think it would be good  
 17 to get some information there.

18 MEMBER SHERI DAVIS: Well, I would like  
 19 to see more frequent meetings. I agree with Jon. And  
 20 because I think as issues come up, quarterly meetings  
 21 aren't as beneficial as more frequent meetings.

22 I would really like to go to Imperial  
 23 County and look at the Dunes since we had the  
 24 opportunity to see it before.

25 MEMBER SMITH: I have got several

1 hear that from people in the environmental community.  
 2 And I have no answer for them.

3 I would also like to see in the area  
 4 managers' reports a discussion of progress on signage  
 5 as contemplated in the various different plans. The  
 6 status of that signage, and the estimated costs to  
 7 complete that signage.

8 If we are going to be doing some cost  
 9 analysis, I think this is probably not too difficult a  
 10 number to come up with. And it might stagger us a  
 11 little bit with its implications, and it certainly  
 12 very much impacts our desert users.

13 And then this is a question. I'm not sure  
 14 whether it deserves to be on the agenda or not. Are  
 15 the Desert Access Guides being updated to reflect  
 16 these plans? What is the status of that?

17 MR. SANCHEZ: We are now beginning a  
 18 new -- we are going to be doing them in series. But a  
 19 lot has happened over the last ten years with the  
 20 route designations and everything. So we are going to  
 21 be initiating the review and revision of the desert  
 22 access guides over a period of time. But, yes, that  
 23 process will be starting shortly.

24 MEMBER SMITH: If it's something that's  
 25 impacted by funding and resources, maybe we should

1 also look for a report on the status of that process  
2 and what the estimated costs might be and whether it's  
3 budgeted for yet, if that's something that you can  
4 even do at the present time.

5 MR. SANCHEZ: I believe there is some  
6 information that I can gather. And I will see what's  
7 available and share with the Council as soon as  
8 possible.

9 MEMBER SMITH: That's where I'm at.

10 CHAIRMAN KEMPER: Sheri Davis.

11 MEMBER SHERI DAVIS: I would like to  
12 request that if immigration is on the agenda when we  
13 go into Imperial County, that we perhaps consider  
14 inviting the border patrol to discuss what they do.  
15 Apparently there is sometimes conflict between the use  
16 of the land that's there in the wilderness area, so it  
17 might be prudent to invite them to come.

18 CHAIRMAN KEMPER: Okay.

19 MEMBER DENNER: Good idea. They will.

20 CHAIRMAN KEMPER: Any other comments?

21 MEMBER CHARLTON: I have been asked by  
22 my constituents to have an overview of riparian  
23 restoration in the district.

24 MEMBER SMITH: I would like to hear if  
25 Jerry Hillier has something to say.

1 MEMBER SCHILLER: I recall that we had  
2 made some recommendations earlier on dates. At least  
3 I thought I did.

4 CHAIRMAN KEMPER: So I have a motion and  
5 second. No more discussion? Call for the vote. All  
6 in favor, say aye. Any opposed? Any abstentions? It  
7 passes unanimously.

8 In regards to the finalization of the  
9 agenda, I would expect that Doran will put something  
10 together, get it to us via e-mail and fax and we can  
11 make comments and go forward. Regarding a date, do we  
12 have a preference for dates?

13 MEMBER BETTERLEY: I would like to see  
14 it in April if we are going to do something down in  
15 the El Centro area. Not later than April.

16 MR. McQUISTON: April is fine, but I  
17 will tell you that we've got our Easter vacations  
18 there. And our board will be going dark for two  
19 weeks, and I don't know about Wally's or what his  
20 plans may be. But insofar as one of the two of us  
21 have to be there, I would say the last week in April,  
22 frankly, unless you want to move it up till -- if you  
23 want to move it up to, like the last Friday and  
24 Saturday in March.

25 MEMBER SHERI DAVIS: That's good.

1 MR. HILLIER: One of you -- I think it  
2 was Tom -- mentioned about having a follow-up report  
3 from field office managers on the cost estimates on  
4 monitoring. And I think it would also be helpful  
5 certainly for stakeholders such as myself, if at least  
6 as part of that they could also provide some summary,  
7 and it wouldn't have to be even hard data, just a  
8 summary of what monitoring is currently ongoing or has  
9 been completed in these major areas that have been  
10 planned, such as NEMO and NECO in the last four or  
11 five years. And even if it's an admission we are not  
12 doing it, it would be helpful to know that.

13 CHAIRMAN KEMPER: Okay. I think it's  
14 pretty much agreed that we are going to El Centro.  
15 And correct me if I'm wrong, but what I would like to  
16 have is a motion and a second and vote on it so there  
17 isn't any --

18 MEMBER BETTERLEY: I would so move.

19 MEMBER SMITH: Second.

20 CHAIRMAN KEMPER: Any discussion?  
21 Hearing none, I will call for a vote.

22 MEMBER SCHILLER: What is the date we  
23 have right now?

24 MR. SANCHEZ: You are going to select  
25 that next.

1 MEMBER McQUISTON: But our board is  
2 going to be dark.

3 CHAIRMAN KEMPER: The last week in April  
4 I would have a large conflict with. I wouldn't be  
5 able to make it to any of it.

6 MEMBER McQUISTON: I don't have to be  
7 there. But if there should be a problem with Wally  
8 being there, then I won't be there if it's second or  
9 third week. But you can't be there the last week, so  
10 don't schedule it around me. Recognize if it's the  
11 second or third week in April, I won't be there.  
12 Actually, the first, second or third week because we  
13 always meet on Friday and Saturday.

14 CHAIRMAN KEMPER: How about the last  
15 weekend in March?

16 MEMBER SHERI DAVIS: That's good.

17 MEMBER PRESCH: The 31st of March, 1st  
18 of April. Does that work for everybody?

19 MEMBER BROWN: I will be out of the  
20 country. But don't cancel the meeting on account of  
21 me.

22 MEMBER DENNER: We will go with you to  
23 Hawaii.

24 MEMBER BROWN: I will be in Egypt.

25 MEMBER SCHILLER: What weekend is that?

1 MEMBER PRESCH: The last weekend in  
2 March, and then it would be the fifth week plus the  
3 first day of April.

4 MEMBER SCHILLER: That works for me. We  
5 have been regularly scheduling these DAC meetings.  
6 They keep falling on our Ridgecrest Steering Committee  
7 and I keep missing those meetings. And I missed one  
8 last Thursday. So I don't want to miss my commitment  
9 to the Ridgecrest field office either. So the -- we  
10 meet on the fourth Thursday of the month. So the  
11 fifth Thursday would be fine.

12 CHAIRMAN KEMPER: Is everybody in  
13 agreement? Can I have a motion?

14 MEMBER PRESCH: So moved.

15 MEMBER DENNER: What is the date again?

16 MEMBER PRESCH: March 31, April 1.

17 CHAIRMAN KEMPER: I have a second?

18 MEMBER BETTERLEY: I will second.

19 CHAIRMAN KEMPER: Motion and second.

20 Any discussion? Hearing none, I will call for the  
21 question. All in favor say aye. Any opposed? Any  
22 abstentions? Motion carries unanimously.

23 MR. SANCHEZ: Mr. Chairman, so this  
24 two-day meeting will include a field tour on -- one  
25 day will be a field tour within the Dunes and one day

1 CHAIRMAN KEMPER: What I was going to  
2 say was logistically it might be a problem to find  
3 buggies to give everybody a ride. I have been and  
4 would love to go out again, but I will sit out if need  
5 be.

6 MEMBER DENNER: It won't be a problem,  
7 even Friday.

8 CHAIRMAN KEMPER: I think putting the  
9 tour after the business meeting when we are discussing  
10 what we should have seen on the tour is maybe putting  
11 the cart before the horse.

12 MEMBER DENNER: Okay.

13 CHAIRMAN KEMPER: I have a motion and a  
14 second. Any more discussion? Hearing none, I will  
15 call for the question. All in favor signify by saying  
16 aye. Any opposed? Any abstentions? Hearing none,  
17 the motion carries.

18 Any other business?

19 MR. BORCHARD: I would be remiss in  
20 taking care of my field managers, I think, if I were  
21 to assign as many reports as were suggested today be  
22 prepared within six weeks of today to be sent out two  
23 weeks in advance of the next meeting, which is eight  
24 weeks from today. So I guess I would suggest that I  
25 work with the Chair after I have a chance to huddle

1 will be a formal session. A field tour of the Dunes  
2 on Friday?

3 CHAIRMAN KEMPER: Correct.

4 MEMBER DENNER: Could I make a  
5 suggestion we reconsider that? A lot of the people  
6 that will want to participate are people that work on  
7 Friday. Even though we won't have the advantage of  
8 having been out there on the ground, I think it might  
9 be better to do our official meeting on Friday and  
10 tour on Saturday when we will get a lot more support.  
11 And it would also be better for the DAC because you  
12 would be able to witness people doing their thing out  
13 there a lot more on Saturday than on Friday.

14 CHAIRMAN KEMPER: I don't know that --

15 MR. SANCHEZ: We tried reversing it a  
16 couple times and received considerable criticism for  
17 holding a meeting on Friday when most people are  
18 working, whereas they are unavailable. So if they are  
19 interested, they can try to make it Saturday. But we  
20 were severely criticized previously when we tried to  
21 do that, just because people work Friday. And if we  
22 held a meeting on Friday, for a lot of people who are  
23 very sensitive to this and we held a meeting when they  
24 were trying to work, I think that would create  
25 problems.

1 with the field managers to determine what is realistic  
2 to add to their existing workload, the time it's going  
3 to take to put together some quality reports on  
4 possibly a subset of all the issues that have been  
5 suggested here today.

6 CHAIRMAN KEMPER: Very good.

7 MR. BORCHARD: I will get back to you  
8 and we can agree on the number. But I can tell you  
9 right now with all the reports that were requested, we  
10 do have a staff with full-time assignments all day.  
11 And I don't want to rush this and I don't want to have  
12 my staff send a low quality report that might be  
13 misleading and might misdirect actions this Council  
14 would want to take.

15 CHAIRMAN KEMPER: I'm sure everybody is  
16 agreeable to that; correct? I don't believe there is  
17 any further business, so I will ask for a motion to  
18 adjourn.

19 MEMBER BETTERLEY: So moved.

20 MEMBER CHARLTON: Second.

21 CHAIRMAN KEMPER: I have a motion and  
22 second. Any discussion? I will call for the  
23 question. All in favor signify by saying aye. Any  
24 opposed? Motion carries. We are adjourned.

25 (The proceeding was concluded at 2:26 p.m.)



## REPORTER'S CERTIFICATE

I, Judith W. Gillespie, a certified shorthand reporter, do hereby certify that the foregoing pages comprise a full, true and correct transcription of the proceedings had and the testimony taken at the hearing in the hereinbefore-entitled matter of January 28, 2006.

Dated this 20th day of February, 2006, at Riverside, California.

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Judith W. Gillespie, CSR No. 3710

